

**2004 – 2005
San Luis Obispo County
Grand Jury**



Final Report

County Government Center
San Luis Obispo, California 93408
www.slocourts.net

**2004 – 2005 San Luis Obispo County Grand Jury
Final Report
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June 2005

The 2004 – 2005 San Luis Obispo County Grand Jury is pleased to present our Final Report. This report is the compilation of inquiries conducted during our service.

Grand Jury Selection Process

In July of each year, the Superior Court for the County of San Luis Obispo impanels a Grand Jury to serve through the following June. Thirty candidates are nominated by Judges of the Superior Court, including up to ten holdovers from the previous year's Grand Jury. The names, minus holdovers, are then drawn in a computer generated, lottery-type process. The first nineteen, including holdovers, are sworn in and constitute the Grand Jury. Eleven alternates are also chosen during this process. Most of the county geographical areas are represented. The commonality among jurors is the commitment and responsibility to the citizens of our county.

Education and Training for Grand Jury Members

For many Grand Jury members it is an opportunity to acquire a significant education on how local government functions, and to provide recommendations, where appropriate, for improvements. Members of the Grand Jury are required to attend courses that detail the functions of a Grand Jury and the laws within which it acts, as well as developing and writing final reports.

Grand Jury Committees and Meetings

The 2004-2005 Grand Jury formed four committees which met at least weekly, and more often as the year progressed. The committees were: City & County, Law & Justice, Social Services, and Special Projects. Each juror chose two of the committees and frequently participated in the other committee inquiries.

General session meetings were held weekly for committee status reports and for deliberation and agreement on final reports. A quorum of at least twelve members was always present for official voting on issues and reports.

Citizen Complaints and Inquiries

Our inquiries were initiated by citizen complaints or by a juror, committee, or the Grand Jury as a whole. The 2004 - 2005 Grand Jury received forty complaints. Complaints were initially referred to the appropriate committee for review and for initiation of a preliminary investigation. If a complaint met established criteria the committee would present an action plan to the full Grand Jury and request approval to proceed with the investigation. There were some complaints that, after the review, no further action was required by the Grand Jury. Complaints that were not pursued were for one or more of the following reasons: they were not within our county/civil jurisdiction (examples include criminal, or complaints about the state or federal government); other avenues of resolution should have been taken (for example, exercising various “appeals”); the complaint is currently within the legal process or best resolved by the legal system; the complaint was received too late in our term to pursue (in some cases we requested the complainant resubmit to the next Grand Jury); and finally, in the judgment of the Grand Jury, an investigation is deemed to not be in the best interest of the community or the Grand Jury to pursue.

Site Visits

Grand Jury work was not confined to the jury offices. As you will read in our reports, jurors conducted numerous on-site inspections in addition to the required prison reviews of the California Men’s Colony , El Paso de Robles Youth Authority, the San Luis Obispo County Jail, seven City Police holding cells, and the Juvenile Hall. We also met with many of the county department heads, including the County’s Administrative Officer, District Attorney and County Counsel. The District Attorney and County Counsel offices provided significant legal guidance for our investigations. Their responsiveness and thoroughness is greatly appreciated.

Publishing the Final Report

Prior to the end of its term, the California Penal Code requires the Grand Jury to submit to the Presiding Judge of the Superior Court, the Final Report, as the Presiding Judge must approve the report prior to publication. There are two types of reports included in our Final Report: Investigational and Informational.

Investigational Reports

An Investigational Report includes Findings and Recommendations. Elected county officers and county agencies, and/or department heads, must reply to this type of report to the Presiding Judge within sixty days. The governing bodies of other public agencies, concerning matters under their control, must respond within 90 days.

Authority and Penal Codes Governing the Grand Jury

The authority for our inquiries are sanctioned by one or more of the following California Penal Codes:

§919 (b) states: "The grand jury shall inquire into the condition and management of the public prisons within the county," and the Attorney General's opinion (62 Op. Attorney General Cal.268) Number 79-313 defines "a prison as a place maintained by a public authority for the detention of those confined under legal process to insure their appearance for further proceedings, or for the confinement of those convicted of criminal offenses and sentence therefore."

§925, states: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.

The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county."

§925 (a). states: "The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. The grand jury may

investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency.”

§933.1. states: “A grand jury may at any time examine the books and records of a redevelopment agency, a housing authority, created pursuant to Division 24 (commencing with Section 33000) of the Health and Safety Code, or a joint powers agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such agency or authority.”

§933.5. states: “A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

Findings

Each Finding requires one of the following responses:

- (a) Agrees with the finding
- (b) Disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Recommendations

The agency response to each recommendation must state one of the following:

- (a) The recommendation has been implemented, with a summary regarding the implemented action.
- (b) The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
- (c) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for

the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of publication of the grand jury report.

- (d) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

The Grand Jury's recommendations, when appropriate, must include where funding can be obtained. Responses from Agencies, the Board of Supervisors, and others to Grand Jury findings and recommendations are required to be on file with the clerk of the public agency, the office of the County Clerk, and the currently impaneled Grand Jury.

Informational Reports

Informational reports do not include findings or recommendations and therefore do not require a response.



Sy Bensky



Hedy Damery



Bob Dunn



Myron Gilbert



Pete Hagen



Carl Keane



Lynne Levine



Russee Parvin



Martin Raft



Dorothy Schlitz



Sharon Schultz



Bernie Suttle



Hal Tuchinsky



Bill Waggoner



Dawn Williams



GRAND JURY
1994-2005
San Luis Obispo County, CA 93403



Sylvia Martinez
Admin. Assistant



The Honorable
Michael Duffy
Presiding Judge

2004 - 2005

Sheriff's Department-Citizen Complaints

Investigation of Alleged Excessive Force

Over the last few years, there has been citizen concern about the alleged use of excessive force, by Sheriff's Deputies, during arrest and detainment. This report addresses the three most recent cases, specifically:

- the death of Jay Vestal during arrest,
- the death of Keith Yecny while in detainment, and
- the head injury sustained by Gerald Bernales during arrest, which resulted in a civil claim of permanent brain damage.
-

Origin

The Grand Jury received two citizen complaints asking us to investigate the three incidents at the Sheriff's Department as stated above.

Method

The Grand Jury's investigations included:

Sheriff's Department reports; documents and files; autopsy and coroner's report; an independent pathology report; toxicology reports; videos of the cases; audio tapes; the District Attorney's findings and report; and the Sheriff's Department's policies and procedures manual. We compared the policies and procedures against actual application, interviews, and witness statements. We also interviewed the Supervisory Senior Resident Agent of the Federal Bureau of Investigation (FBI) to learn how the FBI becomes involved in cases, and the process and procedures they follow when involved in an investigation. We determined what each agency's focus was during their investigations of these cases. They are:

- **Sheriff's Department.** Focus is on policy violations, and determining that no violation of the law occurred.
- **District Attorney's Office.** Focus is on criminal wrongdoing.
- **Federal Bureau of Investigation.** Focus is on criminal civil rights violations.

Narrative

Jay Vestal

The death of Jay Vestal was investigated by three agencies: the San Luis Obispo County Sheriff's Department, the San Luis Obispo District Attorney's Office, and the FBI. There are video and audio tapes of the incident, where most of the contact between Mr. Vestal and the Sheriff's Deputies is recorded.

The Sheriff's Department received a 9-1-1 call on August 18, 2003, at approximately 1:22 a.m., in which the reporting party stated, "Jay is going up and down the street like a maniac." The caller said "Jay" lived in a trailer court on Second Street in Templeton and further described "Jay's" vehicle, and told the dispatcher where to find him. The deputies located Mr. Vestal at the trailer park. They requested his California driver's license and ran a routine check. The check disclosed that Mr. Vestal had an outstanding warrant, which required mandatory booking at the San Luis Obispo County Jail. As deputies attempted to arrest Mr. Vestal, he became violent. Six deputies participated in the arrest and restraint of Mr. Vestal, which took seven minutes. In the course of this arrest process, Mr. Vestal died.

In our review of the audio and video tapes, we determined that none of the deputies punched, kicked, struck, or choked Mr. Vestal. (The video tapes we reviewed were enhanced by the FBI and the Santa Barbara County Sheriff's Office Crime Lab as the visual picture in the original was poor due to the near total darkness at the scene. The enhanced videos do make it possible to identify those involved and their movements. The audio portions of the tapes are very clear and helped to analyze the video picture). Throughout the struggle deputies can be heard on the tapes calmly and repeatedly telling Mr. Vestal to relax and stop fighting. The deputies did not lose their composure, raise their voices or sound angry.

Three separate pathologists were consulted by the San Luis Obispo County Sheriff's Department, the District Attorney's Office and County Counsel (who additionally consulted with a pulmonary specialist) to determine the cause of death. The pathologists determined that the cause of death was not attributable to the use of excessive force by the Sheriff's deputies.

The autopsy and subsequent toxicology analysis established that Mr. Vestal's blood contained cocaine, benzoylecgonine, amphetamine, and a toxic level of methamphetamine.

The autopsy report, witness statements, and videos do not reveal that excessive force was used by the Sheriff's deputies. All investigations, including the Grand Jury's, concluded that the San Luis Obispo County Sheriff's Department acted in a responsible and lawful manner and followed department policies and procedures.

Keith Yecny

The death of Keith Yecny was investigated by the San Luis Obispo County Sheriff's Department and the San Luis Obispo County District Attorney's Office. At the request of the Sheriff's Department, the FBI also conducted an initial investigation, which was forwarded to the U. S. Attorney General office..

Keith Yecny was arrested by the San Luis Obispo City Police Department and died at Sierra Vista Hospital while in the custody of the San Luis Obispo County Sheriff's Department.

At 9:15 p.m. on March 5, 2004, a San Luis Obispo City Police marked patrol car exited from Highway 101 at Madonna Road. At that time a car swerved in front of and cut off the police car. The police then made a routine traffic stop on Madonna Road at the Highway 101 overpass. The officers stated that they noticed that Mr. Yecny's eyes were dilated, he appeared very nervous, had rapid speech, was shaking, and sweating profusely. The officers performed a field sobriety test, and based on Mr. Yecny's symptoms and the tests performed on him, the officers concluded that Mr. Yecny was under the influence of a central nervous system stimulant. He was placed under arrest.

The officers then searched Mr. Yecny's car and found several items including credit and/or debit cards he was not authorized to have in his possession, and an undetermined amount of cocaine. Mr. Yecny was transported to French Hospital at approximately 10:08 p.m., where a blood sample was taken. The blood sample drawn at French Hospital was transported to the San Luis Obispo Police Department, by the arresting officer, and booked

as evidence. After the blood was drawn and given to the officer, Mr. Yecny was transported back to the San Luis Obispo Police Department where additional testing (urine sample and additional controlled substance exam) was administered. After the tests were completed, at approximately 1:30 a.m., on March 6, 2004, Mr. Yecny was transported to the San Luis Obispo County Jail. On March 15, the San Luis Obispo Police Department sent the sample to Central Valley Toxicology Lab for analysis. The results of the analysis were mailed to the District Attorney on March 22, 2004 and indicated that Mr. Yecny had 0.68 mg/l of methamphetamine. The potentially toxic blood panel is above 0.2 mg/l. He also had small amounts of THP (marijuana) in his system.

The officers at the jail had difficulty in booking Mr. Yecny, as he was shaking and could not keep his balance. Due to his shaking, they were not able to obtain his fingerprints and complete the booking process.

Shortly after 1:35 a.m., on March 6, Mr. Yecny was placed in a holding cell, which is used to hold individuals in custody prior to processing. At approximately 1:55 a.m., when his physical and mental conditions deteriorated, he was transferred to a sobering cell, which is used for holding inmates who are a threat to their own safety or the safety of others due to their intoxicated state. The sobering cell has a water closet, sink, drinking fountain and padded floor. There are no benches or other fixtures in the cell, and the Sheriff's Department staff has an unobstructed visual observation of the intoxicated inmates. When Mr. Yecny was placed in the sobering cell, a 30 minute observation log was started and maintained. At Mr. Yecny's request, he was moved to three different sobering cells between 1:55 a.m. and 5:00 a.m.; this was because he continually told officers that there were too many people in the sobering cells where he was placed. At approximately 7:05 a.m., Mr. Yecny's condition appeared to be worsening and a request for the mental health therapist and the jail psychiatrist was made and they were asked to evaluate Mr. Yecny. At 8:15 a.m. the psychiatrist prescribed medication to calm Mr. Yecny, which he was given at 8:20 a.m. At approximately 11:00 a.m., Mr. Yecny's behavior became more erratic, and a nurse was called in to attend him. The nurse was not able to enter the cell to help Mr. Yecny because; she said that he was exhibiting bizarre behavior. At that point, the correctional officers went into the cell to restrain Mr. Yecny and he began to fight them. He

was finally restrained, placed on a gurney, and taken to a safety cell, which is a fully padded cell designed to minimize the risk of inmates intending self-inflicted physical harm. Once in the safety cell, the officers took off the restraints and put handcuffs on Mr. Yecny, so they could exit; he suddenly stopped resisting and began turning blue at approximately 11:19 a.m. The correctional officers and medical staff at the jail immediately initiated CPR and defibrillation procedures, and immediately called for an ambulance. Mr. Yecny was transported to Sierra Vista Hospital at 11:54 a.m. for further medical attention, where he remained until his death a week later on March 13, 2004.

An autopsy was performed by a forensic pathologist on March 15, 2004. The doctor who performed the autopsy noted the medical and clinical observations and findings regarding Mr. Yecny at Sierra Vista Hospital. All of the physical injuries sustained by Mr. Yecny consisted primarily of bruising to the arms, including injuries on the wrists (in the locations of the handcuffs), bruising to the legs, including injuries to the ankles (in the location of the ankle restraints), and bruising to the trunk. Some of the injuries are consistent with medical therapeutic intervention. There were no injuries noted to the neck, back or head.

The cause of death was determined to be hypoxic encephalopathy (lack of oxygen to the brain) attributable to the toxic effects of methamphetamine, including excited delirium. The physical injuries were superficial, and were not contributory to death, nor was the fact that Mr. Yecny was placed in a prone position, while handcuffed for a number of minutes, contributory to death. This opinion included: "No findings suggestive of injurious force applied to the head, neck and torso were identified; no sub-fractures or internal laryngeal injuries were found. There are no credible reports or videotape images of pressure being exerted onto his trunk or neck associated with the events of March 6."

Video tapes of the events in the holding and sobering cells show Mr. Yecny's deteriorating state and the District Attorney and Grand Jury investigations concluded that the San Luis Obispo County Sheriff's Department acted in a responsible and lawful manner and followed department policies and procedures.

The District Attorney filed charges against Mr. Yecny on March 8, 2004. The charges were: three felonies (possession of credit and/or debit cards without authority, unauthorized use of personal information and possession of an illegal substance) and two

misdemeanors (being under the influence of a controlled substance and driving while intoxicated).

Gerald Bernales

The head injury of Gerald Bernales was investigated by the San Luis Obispo County Sheriff's Department and the FBI. Their investigations, including the U. S. Attorney General, concluded that deputies involved did not violate Mr. Bernales's civil rights when they used force to take him into custody.

At approximately 2 a.m., on February 24, 2001, Mr. Bernales was observed to be speeding westbound on Los Osos Valley Road at Buckskin, by a San Luis Obispo Sheriff's Department deputy who then attempted to make a traffic violation stop. Mr. Bernales appeared to be slowing down, but fled and a pursuit began. The pursuit was brief as Mr. Bernales pulled into a driveway a short distance from where the pursuit began. As Mr. Bernales pulled into the driveway, he exited the moving vehicle and ran toward the house. A deputy pursued him and tackled him before he could enter the house. As he was tackled, Mr. Bernales fell and hit his head against a sculpted brick, causing obvious head injuries.

Paramedics from the South Bay Fire Department were called to the scene and according to the EMS response times document; they arrived within five minutes. Upon their arrival, they evaluated Mr. Bernales's injuries. It was their determination that Mr. Bernales be transported, by patrol car, for further evaluation by a physician at General Hospital.

At General Hospital, an emergency ward doctor examined and treated him and told the deputies Mr. Bernales could be transported to the San Luis Obispo County Jail. The Grand Jury noted that even with visual head injuries, there were no x-rays taken at that time. Mr. Bernales was booked and released on February 24, 2001. On February 28, 2001, Mr. Bernales visited Central Coast Pediatrics to have his stitches removed, as he had been instructed to do by the emergency ward doctor. The doctor who attended to Mr. Bernales at Central Coast Pediatrics referred him to Sierra Vista hospital for x-rays, since he was experiencing dizziness, headaches, and nausea. The x-rays of his head revealed blood had leaked into his brain and surgery was necessary. He was admitted to the hospital on March

1, 2001 where he underwent surgery. As a result of this injury, and Mr. Bernales's claim of permanent brain damage, he received a \$2 million out of court settlement from the county.

On June 25, 2001, Mr. Bernales pled no contest to, and was convicted of, a misdemeanor violation of vehicle code §2800.1, flight from a peace officer. He received bench probation of one year, and a \$250.00 fine, which he paid on June 27, 2001. The flight from a peace officer is what prompted the Sheriff's deputies to pursue Mr. Bernales.

All investigations, including the Grand Jury's, concluded that the San Luis Obispo County Sheriff's Department acted in a responsible and lawful manner and followed department policies and procedures.

Findings

- A. Policies and procedures of the Sheriff's Department do not have specific instructions on requiring x-rays for head injuries incurred during arrest and/or detainment.
- B. The Sheriff's Department policies and procedures do not have specific instructions to seek more than one forensic medical autopsy when death occurs during arrest and/or detainment.
- C. The Sheriff's Department written policies and procedures regarding restraint, and force during arrest and/or custody are not explicit.

Conclusion

In all three cases, the Sheriff's Department followed their policies and procedures. To keep the incidents in perspective, the Sheriff's Department has, in the last five years, held 65,708 people in custody and has made thousands of arrests. Any arrest is, at best, difficult. An arrest where individuals are under the influence of a controlled substance, and are often irrational, creates significant problems for the arresting officer. There is the potential for the use of force by peace officers considering that they frequently must deal with violent situations, while attempting to protect the individual, the public, and themselves from harm.

The Sheriff's Department requires its officers to take Peace Officers Standard Training (POST) certified courses and Standards and Training for Corrections (STC) courses. (See Appendix for courses that apply).

Recommendations

- A. When a death occurs during an arrest or while in detainment, an independent review of the autopsy report and other supporting medical reports should always be performed by a qualified forensic pathologist, as was the case with Jay Vestal. This should be included into Sheriff's Department policies and procedures. (Findings B and C)
- B. When an individual has incurred a head injury during arrest or detainment, the arresting officer should make a formal request for head x-rays. This should be included in the Sheriff's Department policies and procedures. (Findings A and C)
- C. The Sheriff's Department should consider having an appropriate outside organization, such as The Commission on Accreditation for Law Enforcement Agencies (CALEA), review and audit its policies and procedures. (Finding C)

Required Responses

Pursuant to the California Penal Code, the following agencies are required to respond to the findings and recommendations in this report:

The San Luis Obispo County Sheriff's Department (by July 10, 2005)

The San Luis Obispo County Board of Supervisors (by August 15, 2005)

Appendix

The training and courses listed below pertain only to this report and are not a complete list of the courses or training taken by the Sheriff's Deputies.

1. Type 1 holding facilities
2. Weaponless self defense
3. Arrest and control
4. Suicidal/mentally ill inmates
5. First aid
6. Cell extraction/room removal
7. Basic CPR (four and eight hour courses)
8. Cell extraction update

County Animal Control Services

“People Who Care”

The Animal Services Division of the San Luis Obispo County Sheriff's Department is located at 885 Oklahoma Avenue and Kansas Avenue, just off Highway 1, north of the city of San Luis Obispo. The division is devoted to providing animal-related assistance to residents of San Luis Obispo County. The primary functions of the division include monitoring rabies control, promoting responsible pet ownership through public education and regulating and enforcing animal related laws in all areas of the county.

Method

The Grand Jury obtained the information through interviews, inspection of the Animal Services facility, and a review of documents and their web-site.

Narrative

During a meeting with the Manager of Animal Services, he presented an overview of the Division and answered questions. After the meeting, Grand Jurors toured the facility, visiting the administrative offices, food storage locker, areas where the animals are boarded, medical care and euthanasia room, and the cremation unit.

We then toured the yard and observed two volunteers playing with dogs and a Sheriff's Honor Farm inmate cleaning the general area outside the dog runs. Grand Jurors also examined the various specialized vehicles used by the department. The Grand Jury found no examples of inhumane or unsanitary conditions at the shelter. The shelter is clean and satisfactorily maintained.

We also examined excerpts of the practices, policies and procedures guidelines pertaining to the intake and processing of animals impounded or relinquished by owners, and reviewed the department's rescue and volunteers policies. We inquired into the methods used to promote animal adoptions and the division's co-operative efforts with private not-for-profit animal rescue agencies such as Woods Humane Society and Second Chance at Love. We can report the following:

- **The Facility:** The complex of approximately 8,400 sq. feet, was constructed in 1975 on county property, and houses the offices, operating rooms, dog runs, cages for cats and other animal enclosures. These areas appeared to be clean and adequate for the animals confined. The capacity is as follows:
 - Fifty regular dog runs, two isolation dog runs, and eight quarantine dog runs.
 - 122 regular, sixteen isolation and sixteen quarantine individual cat cages. The space in a single cage is marginally adequate to allow for placement of food/water bowls, litter box, etc. Therefore, to provide adequate space for cats, the pass-through of two side-by-side cages are opened when possible, giving each animal two cage spaces.
 - Two rabbit hutches
 - One-quarter-acre livestock enclosure along with a small (150 sq. ft) livestock yard.
 - One rodent cage, one small reptile tank and one bird cage.
- **The Staff:** There are twenty-two full time equivalent (FTE) positions, but only twenty are funded in the 2004/05 budget due to current county budget constraints. The staff breakdown is:
 - One division manager
 - Seven administrative services personnel. (One position in this category is allocated but not filled).
 - Nine animal control officers. (Two positions in this category are allocated but not filled).
 - 3.5 FTE kennel positions
 - .5 FTE humane educator position
 - One departmental automation specialist
- **The Volunteers:** They are welcomed at the facility and provide essential services. Approximately thirty to forty volunteers are active with a core of about twelve. Volunteers contribute positively to the welfare of the animals and provide in excess of one hundred hours per week of service, saving the county the equivalent of 2.5 FTEs. The volunteers groom and walk the dogs as well as socialize the cats.

- Before being accepted as a volunteer, each candidate is given an application to complete, along with written guidelines to be followed. After filling out the application, the volunteer signs a waiver releasing the county from liability.
- Volunteers are covered by workers' compensation by the county. When we inquired about record-keeping associated with this coverage, we found there is no formal system for logging the hours served by individual volunteers. A computer program is being developed to acquire this data.
- Sheriff's Department Honor Farm inmates also work at the facility, providing approximately two inmates during the week and up to four on weekends.

The Animal Services budget for the fiscal year 2004/05 is \$1,909,000, of which 48% is from the County General Fund. The balance of funds is derived from licenses, fees and permits, service charges, and donations. The department has fee-for-service contracts with the seven cities in the county.

The services provided by the shelter

The services provided by the shelter are: adoption, lost & found, quarantine and protective custody, basic health screening and treatment of injured animals, issuance of dog licenses, humane euthanasia, educational programs relating to humane treatment, public safety and responsible pet ownership, investigating complaints, enforcement of state and local laws pertaining to animals, inspecting facilities and issuing permits to kennels, pet shop owners, animal breeders and other facilities.

The Animal Services Division works closely with the various private humane organizations (Animal Welfare Alliance) in order to facilitate adoptions of the dogs and cats under its control. In addition to adoption placement of abandoned animals, these private agencies often take animals for temporary housing and care when the shelter reaches capacity. One of the agencies, Woods Humane Society, currently accepts only class "A" (highly adoptable) dogs on a temporary basis. Woods has capacity to hold up to thirty adoptable dogs for approximately 48 hours. Other agencies have similar arrangements.

Woods Humane Society – Special Agreement

The County of San Luis Obispo has concluded a special agreement with Woods Humane Society. According to this agreement, Woods has signed a thirty-year lease (plus two five-year extensions) for 4.31 acres of land adjacent to the Animal Services facility, for which it pays one dollar per year. In return for this land, Woods will provide adoptions and licensing for a minimum of 350 homeless domestic dogs and cats annually for the county, thereby saving taxpayer funds. Construction has begun on the Woods' state-of-the-art animal shelter and community service care facility.

- **Community Awareness:** The Animal Shelter's web-site address is: http://www.slosheriff.org/animal_services.php. This website maintains an up-to-date database on most of the animals in the shelter; the exception being those animals in quarantine and confiscated animals. Photographs, where possible, are provided along with the vital statistics of the animals. Many of the volunteers also attend off-site adoption events, and do radio show spots. Through the Animal Welfare Alliance, adoptable animals are featured in newspaper ads monthly; and in videos broadcast on the local Cable Channel 2. Booths are set up at street fairs and public festivals throughout the year, especially at kids' and pet fairs
- **Statistics:** One of the objectives of the San Luis Obispo County Animal Services is to avoid euthanizing animals that are adoptable. With the cooperation of the various private agencies and rescue organizations, and the public's cooperation, the division has not euthanized any adoptable animals in 2004. Here are some comparative figures:

Year	Total Incoming	Redeemed	Dead on Arrival	Adopted	Euthanized (*) not adoptable		
					Dogs	Cats	Others
2003	4,776	815	779	2,368	250	395	34
2004	4647	879	555	2488	198	161	62

(*) Euthanasia Categories:

- Adoptable: Policy decision-non-wildlife; space.
- Treatable: Behavior – aggressive/ timid; Kennel stressed/depressed.
- Treatable: Medical – contagious/treatable; Policy decision – wildlife; physical condition; unweaned.
- Non-rehabilitatable: Court order; behavior – dangerous; feral (wild).
- Medical – untreatable; owner request.

Conclusion

In 2004, the Animal Services Division did not perform euthanasia on any adoptable animals. This accomplishment is largely due to a high level of cooperation between the Division and the non-profit animal rescue organizations within the county.

In 2003, San Luis Obispo County achieved the fourth highest animal rescue rate in the nation. Furthermore, the Division's public awareness programs greatly assist with a high level of adoption. In 2005/06 and beyond, the land-lease agreement with Woods Humane Society will assist in maintaining euthanizing adoptable animals at a low level.

Volunteers play a vital role in filling the void created by three unfilled county positions.

The Animal Services Division is performing a necessary service to the community and carrying out a comprehensive program of handling animal problems, public awareness, care of animals and adoptions.

Dedication and commitment to the well-being of the animals under their care is evident at all levels of the organization – from the director through the volunteers.

Required Response

This is an informational report and no formal response is required.

SAN LUIS OBISPO COUNTY
OFFICE OF EMERGENCY SERVICES

ARE WE SAFE?

This is an informational report of the process used by the Office of Emergency Services (OES) to provide integrated and effective safety and emergency management services. As background, the report briefly outlines the OES mission and an overview of the programs to provide maximum readiness for any natural or human caused emergencies.

METHOD

The information in this report was gathered by members of the Grand Jury through a tour of the Emergency Operations Center (EOC), an observation of the California Specialized Training Institute exercises for emergency workers, and the Novex 2004 emergency exercise drill. In addition, we observed a nuclear power plant emergency exercise and drill, evaluated by the Federal Emergency Management Agency (FEMA). Interviews were also conducted with the Director of San Luis Obispo County Office of Emergency Services and the Emergency Services Coordinators. During all these informative experiences we were given unfettered access and the ability to ask any questions.

NARRATIVE

The printed mission statement of OES is to serve the public before, during, and after times of emergency and disaster by promoting effective coordination between agencies and encouraging emergency preparedness of the public and organizations involved in emergency response. They attempt to accomplish this mission by developing and implementing programs to:

1. coordinate emergency planning efforts between public and private agencies involved with the common goal of protecting the public,
2. coordinate emergency planning related to Diablo Canyon,
3. maintain and coordinate the county's EOC,

4. coordinate and disseminate emergency news and information, as requested by other agencies, and
5. develop, maintain, and coordinate San Luis Obispo County emergency worker training program.

The staff of OES consists of four emergency service coordinators, and a half-time administrative assistant who are overseen by county administrator and the deputy county administrator. Three coordinators work on emergency plans for Diablo Canyon and one on general emergencies, such as earthquakes and floods.

The EOC facilitates the coordination of response efforts of various agencies around the county.

It is "disaster central", and can be staffed from a core group of people to full activation. Their work involves coordinating with and between the various cities in the County, as well as special districts, and state and federal agencies. The EOC has communication equipment for broadcasting emergency information. The Joint Media Center, owned by PG&E and operated by the county, is located near the EOC, and can be used to provide updated information to the news media.

A major function within the OES is providing an emergency worker training program. Members of the Grand Jury observed a course of instruction given by the California Specialized Training Institute called, "Standard Emergency Management System". This management system has been in use for over ten years and provides an organizational framework and guidance for operations at each level of the state's emergency management system. It provides the umbrella under which all response agencies may function in an integrated fashion.

In addition to various on-going emergency drills, nuclear power plant drills are held every two years and are graded by FEMA. If the San Luis Obispo County emergency service plans do not pass FEMA's evaluation, they must be re-evaluated in one year. The 2002 FEMA evaluation stated there were no areas requiring corrective action and that "all local organizations demonstrated knowledge of their emergency response plans and procedures and adequately implemented them". The most recent graded exercise, conducted on December 8, 2004, demonstrated to FEMA San Luis Obispo County's emergency planning and response capabilities. Members of the Grand

Jury were privileged to observe portions of this exercise. FEMA is scheduled to release an evaluation on the exercise within the spring of 2005.

CONCLUSION

In order to accomplish its mission and meet its goals the OES continues to serve in its role of coordinating emergency management and planning efforts between various public safety and other agencies throughout the County. These coordinated efforts help to ensure that response to, and recovery from, large emergencies and disasters are accomplished in the most efficient and prompt manner possible. Of particular note is the efficiency in the way disaster recovery coordination effort was handled after the San Simeon earthquake.

It was extremely impressive to see, during the Grand Jury members' observation of the FEMA exercise, the tremendous amount of coordination achieved by many agencies working together. This is welcome evidence that the OES is achieving its mission to serve the public before, during, and after times of emergency and disaster by promoting effective coordination between agencies involved in emergency response.

REQUIRED RESPONSE

This is an informational report. No formal response is required.

**County Board of Supervisors Acts on the
2003-2004 Grand Jury Recommendations on the Organizational Issues
Within Child Welfare Services**

This year's Grand Jury is the recipient, through the Superior Court, of all required responses to the 2003-2004 Grand Jury report. In its final report, four aspects of the Child Welfare Services (CWS), a division of the Department of Social Services (DSS) were specifically criticized: management style, internal communication, workload, and training. Last year's Grand Jury recommendation to the San Luis Obispo County Board of Supervisors (BOS) stated:

We strongly recommend that the San Luis Obispo County Board of Supervisors undertake a thorough evaluation of the leadership of CWS, specifically including the DSS Director and the CWS Deputy Director. The evaluation should be completed by a private, independent, and credible expert in the management of social service organizations. The evaluation should focus on upper management's effectiveness in communicating with the employees and in creating a positive working environment, and should include input from all CWS employees. The results of this evaluation should be reported directly to the Board of Supervisors and should include specific recommendations as applicable. Unless and until the Board becomes directly involved, the likelihood of further deterioration of the situation at CWS is high.

Narrative

All of the agencies that were required to respond within 60 days and the BOS within 90 days of the published report have responded to the Presiding Judge of the Superior Court. Most agencies accept the Grand Jury report as a means to improve their operations or to take appropriate corrective action. The 2003-2004 Grand Jury's term ended June 30, 2004 when their report was published. The required responses from agencies go to the Presiding Judge of the Superior Court by August 30, followed by the required responses from the BOS by September 30. The Presiding Judge then forwards the responses to the Grand Jury. All responses were then assigned to the appropriate committee for review. We have the authority to follow-up on the implementation of the agency's declared action plan for improvement. All responses for the 2003-2004 Grand Jury Report are posted to the county website at www.slocourts.netgrandjury/index.html or www.co.slo.ca.us.

Mr. David Edge, Chief Administrative Officer (CAO) of San Luis Obispo County, has been supportive of the Grand Jury efforts in determining the status of the BOS response. He was responsive in a timely manner to all our written requests for information regarding the status and progress of the BOS's action plan. According to the CAO, the evaluation process has begun, although not in the form of an "in depth plan" on the following categories:

- Employee Survey – A DSS employee survey by division and departments.
- Organizational Health Assessment (OHA) – An in-depth survey specific to DSS employees which will allow the CAO and Director of DSS to "drill down" into the issues the department may be facing in program or management areas.
- Outside Experts Follow-Up – Depends upon the nature of the issues raised in the OHA survey which will guide the choice of consultant.

Organizational Health Assessment (OHA)

In response to the 2003-2004 Grand Jury recommendation to the Board of Supervisors, that they "*...undertake a thorough evaluation of the leadership of CWS...*" they authorized the County Administrative Officer to commission an OHA survey within the Department of Social Services and with key external stakeholders. According to the CAO's administrative

analyst, “the Organizational Health Assessment instruments were developed by Franklin Covey Corporation, who contracts with Ximena de la Cruz-North, Ph.D., to administer and tabulate the results. The OHA is typically used to gather data about the department’s culture and effectiveness of systems and processes before beginning to diagnose and address any problems identified.” Communication with the CAO indicates that there is an action plan by CWS to address any problems identified.

For the purpose of this report, the Grand Jury has extrapolated results from the OHA report. The scores for CWS employees in the areas of trust, training, management style, and communication, which were issues of concern in the 2003-2004 Grand Jury report, were lower than those of other DSS employees, which validates the Grand Jury findings. While there were “positive” results gleaned from the report, there were also areas in which the CWS employees rated the Department as needing significant improvement. Many of the Department’s employees were concerned with the level and quality of ongoing communication among different levels of the Department. Although CWS employees did report improvement over the course of the year, there remains “lingering issues of trust” between line staff and management. To this end, the Director of Social Services and the CAO agreed to hire an outside expert for a follow-up.

According to the CAO, “the County contracted with an outside consultant to provide an Organizational Effectiveness Cycle, a process that included the random selection of employee *focus groups*. The focus groups, and an additional of 75 employees, met in March 2005 to identify the root causes of the communication issues in the Department.” In April, all of the Department’s managers and an equal number of line staff participated in the development of an action plan designed to address the issues of communication and trust. The facilitator reported to the CAO that the Department’s management staff “participated actively and effectively” in the Organizational Effectiveness sessions. The facilitator believes that significant progress has been made in addressing the departmental issues.

Finding

An Organizational Effectiveness Cycle program was initiated in March 2005, for the DSS to address the “lingering” issues of trust between line staff and management.

Conclusion

The 2003-2004 Grand Jury investigation of the issues in CWS management, communication, training, and trust are validated by the OHA report. We acknowledge that the overall results of the survey for the Department of Social Services are “positive.” The CWS scores, however, are much lower than the other divisions, which was the 2003-2004 Grand Jury’s concern.

Recommendation

The CAO should report to the Board of Supervisors the status and progress of the organizational health of CWS by December 2005.

Acknowledgements

We applaud the efforts the CAO and the Social Services Director have initiated, to date, in their attempt to develop a more positive and healthy organizational climate within the Department of Social Services, evidenced by the remedial programs instituted within the past eight months.

We commend the San Luis Obispo County Board of Supervisors for their support of the 2003-2004 Grand Jury’s recommendation to evaluate the culture in CWS, upper management’s effectiveness in communicating with the employees, and in creating a positive working environment.

Required Response

Pursuant to the California Penal Code, the following agencies are required to respond to the findings and recommendations in this report:

Chief Administrative Officer, Finding and Recommendation by August 30, 2005

Board of Supervisors, by September 30, 2005

San Luis Obispo County Department of Planning and Building

“How Soon Can I Expect to Receive My Building Permit?”

This is a report of the building permit issuance function of the Building Division, County Department of Planning and Building. As background, the report briefly outlines the Department’s mission and describes the steps that were taken to improve the permit process for single family dwellings in fiscal year 2003/2004. It does not address the approval process of land use permits. The report also reviews current Division actions that are designed to maintain an acceptable time to issue a complete plan check for single family dwellings.

Method

The information in this report was gathered by the Grand Jury from the County ONLINE web page, Building Permit Activity Reports and the FY 2004/2005 County Budget Goals Report. Interviews were conducted with the Chief Building Official and the Plans Examiner Supervisor. The information in this report is limited to documented Building Division statistics. It does not include interviews with building permit applicants and contractors.

Narrative

The published mission of the Building Division is to:

1. Protect public health and safety by enforcing legally established construction standards.
2. Encourage willing compliance by promoting public awareness of construction regulations.
3. Use a helpful, creative approach in assisting the public solve their construction problems.
4. Administer regulations in a thorough unbiased manner.

Prior to 2003 the time it took to complete a single family building permit was unacceptable to both the applicant and the Building Division. These time delays were due in part to a lack of Plans Examiners, incomplete plans at the time of submission and minor project permits not issued “over the counter”.

In FY 2000/2001 only 15% of the single family dwellings plan checks were completed in 20 working days. This improved to 20% in FY 2001/2002, 35% in FY 2002/2003 and to a more acceptable 50% in FY 2003/2004. Since February of 2004 the Division reports they have been delivering completed plan check permits for single family dwellings in 20 working days 75% of the time.

Five steps were taken in FY 2003/2004 to improve the timeliness of plan check approval for single family dwellings:

1. One additional approved headcount and reassigning one Building Division employee to increase the number of Plans Examiners from 5 to 7.
2. Productivity goals that measure the number of plan checks and timeliness for completion for each plans examiner were established and monitored.
3. Plans Examiners are assigned to the Permit Center front desk each workday to answer customers' plan review questions and to ensure plans are complete before submission for plan check review. Having the Plans Examiners at the front desk has also increased the number of minor project permits that are issued "over the counter".
4. The Building Division now utilizes TidemarkTM, a software tracking system that allows applicants to retrieve their building project status via the Internet.
5. Land use permits must be approved by the Building Division prior to building plan submission.

The Building Division's objective for FY 2004/2005 is to provide a complete plan check for single family dwellings within 20 working days 80% of the time. They have established seven action items to achieve this objective:

1. The Planning and Building Department plans to acquire additional floor space in the existing county building when the new courthouse is completed. This area will be used to enlarge the customer reception area and allow more Plans Examiners to expedite the plan check process.
2. Allow simple permits such as water heaters and electrical upgrades to be applied for, paid and issued on-line.
3. Reduce the complexity of the Planning and Building Department regulatory system.

4. Provide website access to staff reports for public hearings and project status information.
5. Provide Division regulations on the webpage.
6. Refer customers to the webpage for building permit information and project status on the same day as requested, with the goal of reducing response times for telephone callbacks by 40%.
7. Publish a one page flow chart of the permit process that new customers could follow as a reference guide.

Conclusions

The changes that were made by the building permit issuance function of the Building Division have improved the efficiency of the process to:

1. apply for a single family dwelling permit.
2. verify the status of a permit that is being reviewed for approval.
3. receive completed plan checks in a timely manner. As noted earlier in this report, the frequency of completed permit approval in 20 working days improved from 15% in 2000 to 75% in 2004.

The goal for FY 2004/2005 is to complete plan check permits in 20 working days 80% of the time. In addition, all building plans will receive a complete plan check in 30 days otherwise they will be returned to the applicant for additional information. The turnaround goal for second submissions is 10 days. The time delays attributed to other agencies such as the Coastal Commission, Fish and Wildlife and the Corps of Engineers are not factored into the time it takes for a complete plan check.

The five steps that were taken in FY 2003/2004 and the seven action items for FY 2004/2005 are oriented towards improving customer satisfaction and are in concert with the mission statement of the Building Division.

Required Response

This is an informational report. No formal response is required.

CAYUCOS SANITARY DISTRICT (CSD)
and
MORRO BAY WASTEWATER TREATMENT PLANT

The Cayucos Sanitary District operates the community collection and conveyance system, including five pump stations and approximately 23 miles of sewer lines. The sewage is then conveyed to the Morro Bay/Cayucos Wastewater Treatment Plant where it is treated. While the City of Morro Bay and the Cayucos Sanitary District jointly own the wastewater treatment plant, the City of Morro Bay operates and maintains the plant under a Joint Powers Agreement. Under that agreement, the Cayucos Sanitary District reimburses the City of Morro Bay (MB) for its share of the total incurred costs and expenses, based on its proportion of measured flow. The plant operates under a modified National Pollutant Discharge Elimination System Permit (NPDES) No. CA007881 issued by the United States Environmental Protection Agency (USEPA) and the Central Coast Regional Water Quality Control Board (RWQCB). The plant has operated under a Clean Water Action Act, Section 301(h) Modified Discharge Permit since its last upgrade in 1984. The permit delineates all requirements and standards for operating the plant, including extensive ongoing monitoring and reporting. At this time, one million gallons of treated wastewater are discharged to the ocean each day.

Origin

The Grand Jury selected the Cayucos Sanitary District and the Morro Bay Wastewater Treatment Plant from a list of agencies within San Luis Obispo County which had not been investigated by The Grand Jury in the last five years.

Method

The inquiry was conducted through interviews, site visits, and document reviews. The Grand Jury visited the Cayucos District Offices and viewed three pump stations. In addition, the Grand Jury toured the Morro Bay Wastewater Treatment Plant and interviewed the treatment plant Director and staff.

Cayucos Sanitary District (CSD)

Narrative

The CSD is managed by a governing board of five people elected by the citizens of Cayucos. There are six employees in the CSD: a district manager, two account clerks, and three field technicians. The CSD is not under any mandated regulatory requirement for training or certification of its employees. Although state certification is not required, the job description for field technicians requires certification. The permits and logs that the Grand Jury inspected were all current.

The conveyance system consists of five pumping stations that pump approximately 250,000 gallons of wastewater per day. The CSD owns 35 percent of the Morro Bay Wastewater Treatment Plant, and reimburses the City of Morro Bay for operating expenses based upon the amount of wastewater it sends to the plant.

Conclusion

The CSD operates from a long-term perspective and emphasizes efficiency, safety, training, maintenance and repair. During visits, the Grand Jury noted the professionalism and dedication of the staff.

Morro Bay Wastewater Treatment Plant

Narrative

The City of Morro Bay and the Cayucos Sanitary district share plant ownership. A Joint Powers Agreement signed in October 1982 assigns 65 percent ownership to the City of Morro Bay and 35 percent to the Cayucos Sanitary District. The Morro Bay City Council and the CSD Board of Directors are responsible for policy decisions. The City of Morro Bay manages, operates and maintains the plant. Each community is billed for its share of operating costs based upon its proportion of the measured flow to the plant.

The Federal Government and the State of California regulate the plant. It operates under a Modified National Pollutant Discharge Elimination System permit issued jointly by the Environmental Protection Agency and the Central Coast California Regional Water Quality

Control Board. The permit is renewed every five years, and requires the following monitoring and reporting:

- daily and weekly measurements of effluent parameters and coliform bacteria;
- measurement of influent and effluent parameters;
- weekly shoreline and quarterly offshore measurements of water quality and coliform bacteria;
- monthly measurements of ammonia concentration in the effluent;
- semi-annual analyses of toxicity levels and chemical contaminants in the effluent;
- annual physiochemical and biological analyses of benthic sediments and biota surrounding the outfall;
- annual physiochemical analysis of sludge biosolids; and
- annual inspection of sewage outfall pipe and diffuser system.

The plant is in the process of obtaining a new wastewater discharge permit as the NPDES permit has expired. While the new permit is being reviewed and negotiated, the plant is operating under an administrative extension. The new permit may require the plant to meet more stringent effluent parameters for biochemical oxygen demand (BOD) and total suspended solids (TSS). The plant may need to be modified or replaced; it is designed to handle a throughput of 2.06 million gallons per day and currently has a throughput of approximately 1.094 million gallons per day. It is staffed eight hours a day, seven days a week, by eight operators who are certified by the State Water Resources Control Board – Office of Operator Certification. At night, duty operators are assigned to respond to plant emergencies such as equipment failure. The equipment is electronically monitored and will call the duty operator in case of a malfunction. The plant has a certified laboratory that analyzes the treated wastewater, and performs other functions as required by its NPDES permit.

Wastewater comes to the plant from the CSD and the Morro Bay collection system from both residential and commercial sources via 60 miles of sewer mains and three pump stations. After the waste is treated mechanically, biologically and chemically, the treated water is discharged into the ocean through a 27 inch diameter pipe that carries the water to

a point 2900 feet from the shore line through a diffuser which lies in about 50 feet of water. The solid waste and bio-solids are put into drying beds. Each year an average of 200 tons (or 200 cubic yards) of sludge is trucked to a commercial composting operation. An innovative pilot program adds green waste to the sludge and creates compost which is then used for agricultural purposes.

As a public service, the plant also operates a collection facility for the disposal of hazardous household waste. The facility allows free access for the citizens of the county to dispose of wastes found throughout their homes. These wastes may include items such as paints, pesticides, herbicides, acids, caustics, and automotive waste products. This free service has been used by 1600 households, takes in approximately 45,000 pounds of material a year, and has helped keep the materials out of the sewers and landfills.

Facts

1. The Morro Bay Wastewater Treatment Plant's NPDES permit is issued every five years. The current permit has expired.
2. The plant is operating on an administrative extension until the regional board has a permit hearing. The hearing will be held within the next three years.
3. The City of Morro Bay has assigned a high priority to a water recycling plan.
4. The Morro Bay Wastewater Treatment Plant has a pilot program to use its sludge and green waste to make compost used for agricultural purposes.
5. The composting program is now operating on an interim ordinance issued by the county. Under the interim ordinance, compost is exempted and not classified with other bio-solids.
6. The sludge green waste compost is a useful product and keeps the sludge out of the landfills.
7. Methane gas is a byproduct of wastewater treatment and is used by the plant to heat the digesters.
8. The plant has received four recent residual chlorine violations: June 30, 2004, April 12, 2004, January 13, 2003, and December 30, 2003. The regional water control board fined the district \$3000 per occurrence.

9. The chlorine violations were caused by mechanical failures. California Water Code 13385 (h)(1) does not allow for mechanical failures.
10. The secondary treatment standards require that both Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) meet the following criteria:
- Removal efficiency: greater than 85%
 - Effluent discharge concentration: less than 30 milligrams per liter (mg/l)

The Morro Bay treatment plant has not been designed to meet the secondary treatment standards. Since the plant is operating under a Clean Water Act section 301(h) waiver, the plant is not in violation of its permit conditions. The table below summarizes year 2003 and 2004 year-to-date averages for these two effluent parameters.

	Year 2003		Year-to-date 2004	
	% Removal	mg/l	% Removal	mg/l
BOD	80.9	56	83.3	53.5
TSS	86.9	39	90.0	29.5

Extensive data collected over the last 18 years has indicated that the ocean discharge has had no discernible effect on the ocean environment. This conclusion was supported by an independent review of monitoring data collected prior to 1998 conducted by the EPA. The data collected for 2003 are consistent with the historical data. Although the staff of the EPA and the staff of the California Regional Water Quality Control Board (CRWQCB) concur with this conclusion, the CRWQCB itself does not, and wants the treatment plant upgraded to meet the secondary effluent standards.

11. The NPDES permit has expired.

Conclusion

The staff running the Morro Bay Wastewater Treatment Plant is professional, knowledgeable and innovative. They have explored and implemented ways to improve the operation of the plant. Some of the programs are: (a) the use of the methane gas produced as a byproduct of the process to the digesters, (b) the conversion of sewer sludge to compost, (c) the recycling and collection of hazardous household wastes, and (d) annual inspections of various businesses in order to prevent the discharge of incompatible pollutants, e.g. paints, pesticides, etc., into the collection system.

The plant is in the process of re-evaluation and as a result of the requirements for the new operating permit may require a redesign or construction of a new plant. At this time, management of the plant will evaluate the options and plan public meetings for citizens input into the process. The planning and discussion of ideas such as water reclamation will be handled during these public meetings.

Findings

1. The plant has a flow of treated water into the ocean of one million gallons per day which could be reclaimed.
2. The current sludge recycle program is temporary for two years, and when it expires it will not allow the sludge recycle program to continue.
3. In the new permanent ordinance it will be necessary to exempt compost as it is currently classified with other bio-solids.
4. The residual chlorine violations were caused by mechanical failures.
5. The City of Morro Bay does not have a comprehensive water recycling plan.

Recommendations

1. The Board of Supervisors should continue allowing the plant to recycle their sewer sludge processed to compost in accordance with Title 8, Health and Sanitation Chapter 8.13.030 Interim Moratorium if it becomes a permanent ordinance. The ordinance should comply with California Health and Safety Codes 25141, 25142 and all sub-sections, as well as Food and Agriculture Code 14505. (Finding # 2)

2. The new permanent ordinance should exempt compost from the classification with other bio-solids. (Finding # 3)
3. In order to reduce or eliminate future permit violations, the design of the proposed replacement plant or redesign of the existing plant should include measures to improve plant reliability, especially in the chlorination unit. (Finding # 3)
4. The City of Morro Bay needs to develop and implement a comprehensive water recycling plan. (Findings #1 and 4)

Required Responses

- The City of Morro Bay: Findings #1, 3 and 4 and Recommendations #2, 3 and 4. Due July 15, 2005
- The San Luis Obispo County Board of Supervisors: Recommendation #1. Due August 19, 2005

California Men's Colony

The California Men's Colony (CMC) is a prison on 356 acres, located on Highway 1, just north of the city limits of San Luis Obispo. It has two main wings, East and West. CMC is designated as a level III institution, which is a low to medium security prison under the jurisdiction of the State of California Department of Corrections. As of January 2004, there were 1561 employees, of which 937 are custody staff, including correctional officers, counselors and medical staff. The prison is under the direction of the CMC Warden.

CMC is charged with the primary mission of protecting society by safely housing its prisoners and involving them in work and education programs. The Grand Jury toured the facilities of CMC, and during those tours, we were encouraged to speak to the inmates, correctional officers, and staff. The Grand Jury observed that while old and overcrowded, CMC was well maintained. Our tour led to further research into the cost of their inmate food program, and into a Hearing Conservation Program (HCP) utilized by the Prison Industry Authority (PIA).

Method

The information in this report was obtained through visits to the prison, interviews, and review of the California Code of Regulations and related documents. Members of the Grand Jury toured the East Wing on September 7, 2004, and the West Wing on September 10, 2004. In addition, they conducted interviews with the Prison Industry Authority (PIA) on October 26, 2004 and reviewed the revised (December 19, 2003) California Men's Colony Hearing Conservation Plan (HCP).

Narrative for CMC

Inmates in the CMC have four security risk levels, one being the lowest security risk and four the highest. The security risk levels are determined by a number of factors and can change at any time during an inmate's term. Although CMC is classified as a level III prison, it may at any time house inmates of all four levels in the facilities. This is

due to reclassifications during an inmate's term, or an inmate being placed in one of CMC's specialized programs.

The East Wing houses inmates with medium to high security classifications in traditional prison cells. It also has a fully licensed hospital that can provide for most medical needs of inmates. If the hospital is unable to handle an illness or injury, the inmate is transferred to a medical facility outside of CMC. Inmates classified at a lower security level are housed in the West Wing, which has 32 dorms, a fire department and a gym. It also offers vocational and educational opportunities to its inmates. Currently, there are over 6000 inmates occupying these two wings, whose average age is 35, and who have an average grade level of 7.8 in the East Wing and 7.1 in the West Wing.

Tours of the East and West Wings included: inmate quarters, kitchens, educational facilities, work program facilities for Prison Industry authority (PIA), recreational yards, hospital, and mental health facilities.

During our tours we were encouraged to speak to the inmates, correctional officers, and staff. We observed that the interactions between the correctional officers and inmates were amicable and respectful. Inmates and staff were open to questions and were well informed about policies and procedures. As part of our tour of the East Wing, we received an inmate lunch served in one of the dining halls. The recreational yards in both wings were well maintained.

Inmates at CMC are assigned to either the East or West Wing depending on the security risk level assigned to them. The security levels for inmates can change during an inmate's term. Inmates in the West Wing typically have no history of prison disciplinary action, no prior escapes, and have already served a majority of their prison term.

We observed that the housing facilities at both locations are old and overcrowded. The East Wing cells (5' x 8') were designed for single occupancy; however, two inmates occupy each cell. The added second bunk is hinged on the wall and must be pulled down

for sleeping, and pushed up in order to move about the cell. Design capacity for inmate beds in the East Wing is for 2400; as of January 2004, there were 3690 inmates assigned to the cells.

Inmates in the West Wing are housed in barracks, with a design capacity of 1484 inmate beds. As of January 2004, it housed 2837 inmates. We observed that there was very little room to move about in the barracks even with most of the inmates out in the yard or working.

Inmate Educational and Vocational Programs

Inmates are required to participate in either an education or employment program while at CMC. Education activities at CMC include instruction in English as a second language, basic and high school level classes, GED, business education (basic typing and business math, bookkeeping, business law and computers), and correspondence courses. The classes we observed were impressive; the students were actively participating with the instructors. We had an opportunity to speak with instructors and inmates. Conversations with inmates revealed that they appreciated the educational opportunities and the instructors' time.

There are a limited number of vocational programs available to inmates to help them achieve entry-level skills in a trade. Participation in these programs is voluntary; however, once signed up, attendance is mandatory for the inmate. Instructors are credentialed teachers and they assist in job placement for inmates when they are paroled.

The substance abuse program, offered in the West facility, is provided for inmates with histories of drug and/or alcohol abuse. Walden House, Inc. directs the program that includes a combination of counseling, group activities and therapy. We observed the program in action and were encouraged to speak with inmate participants and Walden House staff.

Prison Industry Authority (PIA) – Employment Programs

The Prison Industry Authority administers programs that allow inmates to acquire work experience while incarcerated. We observed the manufacture of gloves, t-shirts, socks, and California State license plate stickers.

Narrative for PIA

The PIA administers a hearing conservation program designed to eliminate or control, in so far as is reasonable and practical, overexposure of employees (inmates and staff) to harmful noise. California Code of Regulations, Title 8, Article 105, Appendix A (CCR) established acceptable limits for the amount and duration of noise to which employees can be exposed. When it is found that employees are exposed to the upper limits of noise exposure during an 8-hour shift, a Hearing Conservation Program (HCP) is required. Such is the case at CMC. We reviewed the “Hearing Conservation Plan for Prison Industry Authority California Men’s Colony, December 19, 2003 revision”, and found it to be consistent with the requirements of the CCR.

The HCP specifies the steps to be followed to determine the level of noise exposure in PIA work environments, and the noise control measures (engineering, administrative or personal protective equipment) to reduce or eliminate the threat to employee hearing. Engineering controls include making changes in the machinery, the way machinery operates, or the design of the structure. Administrative controls limit employee exposure to noise in the workplace. When engineering and/or administrative controls are not feasible, hearing protectors are provided.

Five PIA worksites were identified for review to determine whether noise levels were within acceptable guidelines: Fabric – T-Shirt, Knitting Mill, Knitting Mill Annex, Lower Level Laundry, and Shoe Factory. Implementation of engineering and/or administrative controls exempts the T-Shirt Factory, Knitting Mill Annex, and Lower Level Laundry from enrollment in the HCP. Employees in the Knitting Mill and Shoe Factory must be enrolled in the HCP and the Audiometric Testing Program.

Guarding Against Hearing Injury

The most effective way to guard against employee hearing injury is to mandate that all employees who work in an identified excessive noise level worksite:

- wear appropriate hearing protectors,
- receive a baseline audiometric test prior to the time of initial exposure,
- receive a follow-up audiometric test annually, and
- receive a follow-up audiometric test when an employee ceases employment at that worksite.

These audiograms are necessary to monitor and track the status of employee hearing. Wearing hearing protectors helps to forestall hearing loss. CMC and the State of California are responsible for any deterioration in hearing, beyond that which is age related, that occurs during the period workers are exposed to the high noise level areas. At the time of our inspection, employees enrolled in the HCP could choose not to have their hearing tested, and were not required to wear hearing protectors.

An outside contractor, using a mobile test van, offers audiometric testing every six months. As inmate employees enter and leave PIA employment on an irregular basis, the result is that some audiograms may be delayed or missed.

Both PIA staff and inmate employees who participate in the HCP are covered by the State Workers Compensation Act and are eligible for disability awards for illness or injury occurring during their employment.

Findings for PIA

1. PIA staff and inmate employees are enrolled in the HCP and the Audiometric Testing Program. All inmate employees can either have their hearing tested or sign a statement (waiver) acknowledging that they were offered audiometric testing. PIA staff is currently not tested.
2. PIA management does not ensure that initial baseline, annual follow-up and end-exposure audiometric testing of employees enrolled in the HCP program is done.

3. The HCP-prescribed use of personal protective equipment is not enforced.
4. Because audiograms are performed semi-annually by an outside contractor using a mobile test van, the audiograms of some exposed employees may be delayed or missed.
5. Records maintained in connection with the HCP may not give an accurate picture of the HCP status because complete audiometric test data on employees may not be collected.

Recommendations for PIA

CMC should take those actions that are necessary to safeguard the hearing of its employees and help prevent Workman's Compensation Disability claims. Therefore, we recommend that the Department of Corrections, CMC and PIA management address these issues:

1. Make the following tests mandatory:
 - a. Baseline audiometric tests for every individual at the time of initial entry or reentry into the program.
 - b. Annual retesting.
 - c. Final testing when an employee leaves the program. (Findings 1 and 2)
2. Compile the results of the above tests. (Findings 4 and 5)
3. Enforce the use of personal protective equipment. (Finding 3)
4. Make audiometric testing and mandatory use of personal protective equipment conditions for assignment to the program. (Findings 2 and 3)
5. Measure the effectiveness of the prescribed controls. (Finding 5)
6. Establish an audiometric testing facility within the PIA or CMC to ensure comprehensive coverage. (Findings 2 and 4)

Narrative for the Inmate Food Program

During the presentation segment of our tour of CMC, the budgeted dollar amount of \$2.45 per day, per inmate, food cost was discussed. We made an inquiry into aspects of CMC's "food program" for fiscal year 2003/2004. The Grand Jury interviewed prison management, reviewed prison documents, and other data supplied by CMC.

As a result of our investigation, based on the budgeted amount of \$2.45 per day and an average daily inmate population of 6500, we found an unaccounted for difference of \$351,700 in FY 2003/2004. It was later brought to our attention in a California Department of Corrections document that the actual daily expenditure per inmate was \$2.55. This still resulted in a discrepancy of \$114,000 for FY 2003/2004.

Finding for the Inmate Food Program

1. There is an unaccounted for difference of \$114,000 between the amount actually spent (CMC financial statement) and the amount reported in the California Department of Corrections document.

Recommendations for the Inmate Food Program

1. The State Bureau of Corrections should conduct an independent operations audit of the inmate food program at CMC.
2. If the State Bureau of Corrections cannot conduct such an audit, then an independent auditor should conduct an operations audit of the inmate food program at CMC.
3. Depending on the findings of the operations audit, it may be necessary to hire an independent investigator to determine how the shortfall occurred.

Conclusion

The mission of the California Men's Colony is to protect society by safely housing its inmates and involving them in work or education programs. We found that it satisfies this mission. Inmates are provided food, housing, clothing, and medical and dental care. In addition, there are programs for education, employment and rehabilitation. CMC staff

provides for the inmates within the constraints they have from the courts, the current facilities and the budget.

Required Responses

Pursuant to California Penal Code §933 and 933.5, the following agencies are required to respond to the findings and recommendations contained in this report:

1. The California Men's Colony, due May 31, 2005
2. The Department of Corrections due June 30, 2005, and
3. The Prison Industry Authority due June 30, 2005

SAN LUIS OBISPO COUNTY FUNDS-MANAGEMENT AND FINANCIAL-AUDITING PRACTICES

The Grand Jury reviewed the financial auditing and funds management practices of San Luis Obispo County Government (County) to assess their adequacies. The inquiry was county wide, but special attention was directed to the relevant practices of the Department of Social Services (DSS) because of the 2003 embezzlement charges against two of its employees. Since the time of the alleged fraud, DSS made several organization and management changes geared toward deterring fraud. According to the independent auditor's report for the year ended June 30, 2003, which is the only year covered by this inquiry, the county's financial audit meets generally accepted standards. Furthermore, the Grand Jury finds that the county's funds management practices meet generally accepted standards for private-sector companies.

Origin

The Grand Jury initiated this study of the county's funds management and financial auditing practices at their own initiative motivated by concerns raised by previous Grand Juries about the county's financial auditing practices, embezzlement charges filed in April 2003 against two DSS employees, and a citizen's complaint that alleged inadequate financial auditing and inattention to reducing the risk of fraud.

Method

The Grand Jury interviewed selected county officials and reviewed county documents. Additionally we looked for similarities and differences between the contractual scope-of-services for the independent financial audits for San Luis Obispo (SLO) County and Santa Barbara County. We chose Santa Barbara County for this comparison because it is a close neighbor to SLO County and because its population is similar. If material differences were found, we intended to make comparisons with other counties, but for reasons discussed below that was not necessary. We also reviewed the independent auditor's reports for several California county governments searching for similarities and differences between them and the one for SLO County.

The Grand Jury interviewed the county Auditor-Controller, the Administrative Manager of DSS, and a Senior Division Manager of DSS.

Documents and forms reviewed included:

- Contracts for the performance of annual audit for SLO County and for Santa Barbara County.
- Independent auditors' reports for SLO County and for several other California county governments.
- DSS procedures for authorization of services, purchases, and other outlays.
- Forms for participant expense authorization, for vendor authorization to deliver articles and/or services, and for special order requisition of office supplies.
- Reports of cash shortage and of unannounced cash count audits.
- Reports of review of imprest cash accounts (an advance or loan of government or public funds toward performance of some service for the government).
- Code of Ethics, Conflict of Interest, and Gift Policy for DSS.
- Procedures for handling confidential cases in the Participant Services Division of DSS.
- Organizational charts of relevant SLO County organizations.

Narrative

Each year, the County has a financial audit conducted by an independent auditing firm that covers all departments of the county government. The Grand Jury did not examine the county's financial statements because California Penal Code §925 states: "the grand jury does not have the authority to duplicate any examination of financial statements that have been performed by or for the Board of Supervisors". Therefore, the Grand Jury limited its inquiry of financial audits to a review of the terms and conditions of the most recent contract for the annual financial audit, which covers the fiscal years 2002-03 through 2005-06, and the auditor's report for the fiscal year ended June 30, 2003.

The scope of services for the annual financial audit for the years stated above is extracted from the contract with the independent auditor. The principal services provided were:

- “Contractor will conduct audits of the financial statements of the County in accordance with generally accepted auditing standards for the purpose of expressing an opinion on the conformity of the financial statements with generally accepted accounting principles.”
- “Contractor shall review internal controls of county accounting systems and procedures ... as required by generally accepted auditing standards and issue a written management report based on the review.”
- “Contractor shall review a majority of federal funds and grants received by the county for compliance with federal regulations.”

Bartig, Basler & Ray performed the county’s financial audit for the year ending June 30, 2003. Excerpts taken from the auditor’s report express their opinion on the financial statements reviewed. They are:

- “We conducted our audit in accordance with auditing standards generally accepted in the United States of America and standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.”
- “In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the government activities, the business-type activities, each major fund, and aggregate remaining fund information of the County of San Luis Obispo, California, as of June 30, 2003, and the respective changes in financial position and cash flows, where applicable, for the year then ended, in conformity with auditing principles generally accepted in the United States of America.”

The Grand Jury also reviewed the contract the County of Santa Barbara executed with an independent auditing firm to perform an audit of its financial statements for the fiscal year ended June 30, 2003. As far as we can determine, the scope of service for Santa Barbara County Government is in all material aspects similar to that performed under contract for SLO County. Additionally, we reviewed independent auditor's reports for several California county governments and compared the depth of services performed for those counties with that for SLO County. We concluded that the depth of services for all the county audits we reviewed were similar in all material aspects.

These comparisons do not confirm that the county's financial audits are similar in scope to those performed for all other California counties, but it does provide a degree of confidence that the scope of the county's financial audit is not unique among California counties.

The financial audits performed for SLO County, as well as those performed for the other California counties we considered, are not full audits. That is, every financial transaction is not reviewed for proper accounting, recording and authorization. As noted above, however, the county's annual financial audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. While financial audits for private-sector companies vary widely in scope, the norm for private companies' financial audits is not materially different than those performed for the County.

The external auditor for the county's annual financial audit does not examine individual purchase and reimbursement requests to determine compliance to the county's authorization procedures. County employees are responsible for ensuring valid authorization.

County employees check every financial transaction prior to making payment for evidence to support the amount of the purchase or reimbursement request and to ensure proper authorization, compliance to county regulations, and proof of delivery.

On a regular basis, the Auditor-Controller Office conducts unannounced cash count audits, review cash handling procedures, and review imprest cash accounts. The Grand Jury reviewed many of these recent audits and found no cause for concern.

The Grand Jury also reviewed the county's authorization process for purchases and reimbursements. Depending on the amount of purchase or reimbursement, one or more levels of supervision must approve every request. Based on Grand Jurors' personal experiences while working for private companies, the authorization limits for County supervisors and managers is quite conservative compared to those for private companies.

Since Spring 2003 when two of its employees were charged with embezzlement, the DSS has made several changes in its organization structure, management practices, and work assignment procedures that are geared to reduce the risk of fraud. These changes include:

- Welfare applicants are received by clerical/reception employees who assign cases on a rotation basis using an automated system to ensure equitable caseload distribution, as well as preventing staff from assigning applicants to themselves.
- Moved away from specialized units that cover only a single type of casework to units that cover multiple types of casework. Every staff person in a unit supports multiple programs. Supervisors have the responsibility for all programs in that unit.
- Staff, supervisors, and managers rotate frequently into new job assignments. This provides opportunities for checks and balances.
- On a weekly basis, each supervisor receives a log containing vital information for new welfare applicants and on a monthly basis for continuing cases. Supervisors review these logs with appropriate caseworkers.
- Other supervisor duties that provide opportunities to detect fraudulent activities include:
 - They randomly select cases for review each month for each caseworker.
 - They attend case staffing meetings where specific cases are discussed.
 - They work uncovered caseloads when a caseworker is sick or otherwise unavailable. This provides opportunity to review cases, handle incoming mail, and have direct contact with clients.

- They fill in for other supervisors and managers on leave or otherwise not available to perform their duties.

Checks and balances such as those implemented by DSS deter fraud. However, no system of checks and balances can prevent fraud in an organization as diverse as the County in general or DSS in particular. Only time will tell whether or not the new system meets its objective for fraud deterrence. The steps taken by DSS, however, seem to be in the right direction.

Conclusion

- An external accounting firm performs the annual financial audit for SLO County. The audit covers every department. For the most recent financial audit, the auditors found “...the financial statements...present fairly, in all material respects...the financial position of the County of San Luis Obispo, California, as of June 30, 2003, and the respective changes in financial positions and cash flows, where applicable, for the year then ended, in conformity with accounting principles generally accepted in the United States of America.” The Grand Jury neither agrees nor disagrees with this professional opinion of the independent auditor; a Grand Jury position other than that of the independent auditor would have required a duplicate examination of the financial statements, which is prohibited by California Penal Code § 925.
- So far as the Grand Jury can determine, the contractual scope-of-services for the annual audit performed for SLO County is in all material aspects similar to that performed for Santa Barbara County, and the depths of audits for California counties do not differ significantly from the audit performed for SLO County.
- SLO County’s cash handling procedures and audits of compliance to these procedures are consistent with procedures used by private-sector companies.

- SLO County's procedures for authorizing expenditures and approving payments and reimbursements are in all material aspects similar to those employed by private-sector companies.
- To reduce the risk of fraud, since the Spring of 2003 when two of its employees were charged with embezzlement, DSS made changes in its organization structure, management practices and work assignment procedures. These steps seem to be in the right direction.

Required Responses

This is an informational report. A formal response is not required.

County Government Services Lack Directions

“You Can’t Get There from Here”

The Grand Jury assessed what the County of San Luis Obispo is doing to keep residents aware of the services it provides, how it helps people determine who they need to see to obtain a specific service, and where this organization is located. The assessment included reviews of the county web site, service directories, signs posted outside and inside facilities, listings in the public phonebook, the information desks, and brochures developed by the County. Except for the web site, the assessment of resources available to the public for determining where to go to obtain a service was limited to those located in the County Government Center¹.

The Grand Jury finds that the practices and methods used by the County to inform the public about the services it provides and the methods it uses to provide directions to such services need improvement. If steps are not taken to improve them, public frustration is likely to grow significantly when the new² Government Center is occupied.

Origin

This study was initiated by the Grand Jury because individual jurors experienced difficulties when trying to get information about the availability of, and/or directions to, a county service.

Method

The Grand Jury interviewed selected county government officials, surveyed the Government Center for service directories, and obtained and reviewed copies of pamphlets on county government services. We tried to determine where to go within County Government to get a specific service, using only the information readily available to the public. The Grand Jury conducted a test using twelve sample inquiries, which is attached in an Appendix. We also reviewed the county web site, and, for

¹ For the purposes of this report, the Government Center is defined to include only the buildings bounded by Santa Rosa, Monterey, Osos, and Palm Streets in the City of San Luis Obispo.

² This is the building under construction on Monterey Street across from the current Government Center.

comparison purposes, the web sites of several other counties in California and in other states.

Narrative

This inquiry included reviews of the:

- self-help service directories posted on the county web site,
- service directories located in the Government Center,
- county listings in the public phonebook,
- information desks located in the Government Center,
- brochures located throughout the Government Center, and
- county outreach³ efforts.

Throughout this inquiry the Grand Jury was sensitive to the lack of interest many people have in knowing about the services the County offers or where to go to obtain specific services. In some cases a person may not know which government entity (city, county, state, or federal) provides a service that they are seeking. Many citizens have no interest in knowing about county government until a need for service arises. Consequently, the Grand Jury assumed that a typical service requester has very little knowledge of county government and little-to-no familiarity with the Government Center. We also considered that some people in need of a service might be marginally literate in the English language.

The department directories displayed in the Government Center are not very useful for locating many services because organization names are often not sufficiently descriptive of the services provided. There are no comprehensive service directories in the Government Center and there are no signs that direct people to either the existing service directory or the information desks. The lone wall-mounted service directory is located in a low-traffic hallway and lacks detail for many services. The two county information desks are frequently not staffed, and signs posted at these information desks do not make it clear what types of assistance are available there, i.e., directions to departments and offices, service-directory assistance, court information, or community

³ Informing the public of the services the County provides and how to access these services.

services. The attendants at the two court information desks are helpful in directing people to locations of county services, but they are not necessarily well informed about county functions.

The computer that is located near one of the county information desks may be used by the public to obtain information about county services and the location of specific services, but the nearby sign is too small to be noticed by visitors. This sign does not indicate that the general public may use the computer station to obtain information about county services. Furthermore, this court-owned computer is password protected and therefore requires the assistance of a court employee, which may discourage use.

The county web site is a valuable source of information about county services and where to go to obtain specific services, but users may find it difficult to use because it does not include a search engine, synonyms for services, or functional organization charts. Also, the web site does not provide information that will direct a person to another government entity or private organization that provides the service they are seeking.

The public phonebook for San Luis Obispo County lists county departments by name but not by function. The department names are often not descriptive enough for locating services. There is no yellow-page-like directory for county services.

The county information desks, staffed by volunteers on an ‘as-available’ basis, have shortcomings:

- The desks are infrequently staffed.
- Training for volunteers is limited to a short overview of county government, plus on-the-job training. Consequently, the attendant’s knowledge may not be thorough.
- The volunteers do not have direct access to a computer that is linked to the county web site or to any other electronic information on county services. The computer that is located near one of these desks is inconvenient for use by the volunteer because of its location and password protection.
- The county brochure display that is located at each desk is incomplete.

- The self-help, loose-leaf desk guide that is located at each desk contains information about county services, but it lacks a cover or sign that indicates its contents. As a result, a visitor may not notice this source of information.
- Much of the material in the desk guide is out of date.
- The service-directory in the desk guide co-mingles county services with non-government services. We found this co-mingling to be confusing.

We were told by the County Administrator that the County does not have an integrated and coordinated public outreach program, it has no plans to initiate one, and that any public awareness efforts are done on an ad hoc basis department-by-department.

Conclusion

The County is not meeting its responsibility to inform citizens about available county services. We encourage the County to promote public awareness of the services it provides and make it easy for people to get to the services they are seeking without frustration or unnecessary loss of time.

Findings

- 1) There is only one service directory displayed in the Government Center.
 - a) The directory is located in a low-traffic corridor.
 - b) The directory does not provide the level of detail needed to find many county services.
 - c) The directory does not include Spanish translation.
- 2) Many entrances to the Government Center lack signs that direct visitors to the lone wall-mounted service directory, a computer tied to the County web site, or to the two volunteer-staffed information desks.
- 3) Signs at the information desks do not specify the kinds of information available, i.e., county-service assistance, directions to county departments and offices, or court information.

- 4) Visitors to the Government Center might miss seeing the computer-based self-help directory that is located near one of the information desks.
 - a) The computer is hidden from view by the county information desk and the nearby sign is too small.
 - b) There is no sign that says the public can use it to get information about county services and directions to these services.
 - c) This computer is owned by the Court, is password protected, and requires the help of a court employee to gain access.
 - d) There is no county owned computer that visitors can use.
 - e) Information desk attendants do not have direct access to the web site or any other electronic information bases.
- 5) Training for information-desk volunteers is limited to a short overview of the County, plus on-the-job experience. Consequently, their knowledge of county services and directions to them may not be thorough and/or updated as information changes.
- 6) The volunteer-staffed information desks are frequently not staffed.
- 7) There is no sign that points out the loose-leaf services directory located at the information desks.
 - a) The directory's cover does not indicate content.
 - b) Some material in this desk guide is out-of-date or incomplete.
 - c) The directory is confusing because the service section co-mingles county services with non-government community services.
- 8) The web-based county service directory does not have a search engine, which makes it difficult to locate a county service using descriptive information that differs from that used by the County.
- 9) The public telephone book for San Luis Obispo County lists departments, but not services. The names of departments often are not sufficiently descriptive of the services

the county provides for many people to determine whom to call to inquire about a service.

- 10) Functional organization charts for county government organizations are not available in public areas of the Government Center, at the information desks, or on the county web site.
- 11) The County does not have an integrated and coordinated public outreach program. Any awareness efforts are done on an ad hoc basis, department-by-department.

Recommendations

1. Provide clear directions to county services, in English and Spanish, in and around the County Government Center (Re: Findings #1, 2 & 3)
2. Staff the information desks during all regular hours of business with adequately trained volunteers/employees and provide an up-to-date directory. (Re: Findings #6 & 7)
3. Have a back-up system for time when volunteers are not available. (Re: Finding #6)
4. When necessary, fill in the gaps in volunteer staffing with county employees. (Re: Finding #6)
5. Develop and implement a training course that includes a resource manual that lists information about the County. The resource manual should also be available to the public. (Re: Finding #5)
6. Develop and implement a user-friendly county web site that includes a search engine that recognizes synonyms and a “one-stop-shop” portal for all government services (state, city, county, and perhaps federal). (Re: Finding #8)
7. Provide access to the county web site and any other electronic information on county services at each of the information desks. (Re: Finding #4)
8. On the county web site homepage, provide a “help-line” phone number and an email address that responds to the question “How do I find _____ service?” (Re: Finding #8)
9. In the public phonebook, place a service directory that links services to departments or provides numbers to call for specific services. Also provide the web site address for the County Homepage. (Re: Finding #9)
10. Develop functional organizational charts for every county office, division, department, etc. These charts should be descriptive of the services provided by each organization

and they should provide the names of key personnel for each function. Display these charts at the information desks, other key locations in the Government Center, other appropriate county facilities, and on the county web site. (Re: Finding #10)

11. Provide computer-based self-help stations that can be used by the public to locate county services. These stations should be strategically placed, highly visible to the public, and linked to the county web site and to any other pertinent information bases. (Re: Findings #1 and 4)
12. Consider an integrated County Services Awareness Program. This program could include a “Know Your County Government” lecture or lecture series given by selected county officials to civic organizations and schools. Widely publicize the availability of this lecture series. (Re: Finding #11)
13. Develop a “Know Your County” brochure and place it at various locations throughout the County Government Center. This brochure should be bilingual English/Spanish and updated as necessary. (Re: Finding #11)
14. Develop coordinated county departmental brochures that include every department and appropriately display them in all county buildings. (Re: Finding #11)

Required Responses

County Administrator: All Findings and Recommendations due May 31, 2005

Board of Supervisors: All Findings and Recommendations Due June 30, 2005

Appendix

“Mystery Shoppers Test the System”

The Grand Jury created a test to determine if we could obtain information about, and access to a specific county service. Members of the Grand Jury created a list of typical questions a member of the public might have in approaching county government. Each member took several questions and attempted to get a correct response by 1) calling the county central telephone number listed in the public phone directory, 2) logging on to the county web site's home page, and 3) visiting one of the two county information desks in the County Government Center. A sample scenario and a table of the remaining questions posed are given below.

Sample Scenario

We sought an answer to the question, "How do I report a suspected case of food poisoning?" using the three methods of inquiry:

1. Telephone Access: The public telephone directory did not list 'food poisoning', so we called the first listing under "San Luis Obispo, County of - Automated Touchtone Telephone Directory". We waited through the automated touchtone cycle for the message; "If you have not found your selection, please stay on the line for the next available attendant." The 'attendant' referred us to, and connected us with, the Public Health Department. The Health Department 'attendant' referred us to, and connected us with the Environmental Health Division. This three step process resulted in a correct response.
2. Web site: As noted in our narrative, there is no search engine on the San Luis Obispo County Home Page. Looking under the "Services" heading was not fruitful. We tried 'F' for food poisoning, 'H' for health, and 'P' for poisoning, with no success. Next we looked under the heading for "Departments", trying 'H' for health. It took six clicks to get to a correct answer: Health Agency - Public Health Department - Community Health Services (Wrong! Try again.) - Environmental Health - FAQs - Retail Food Sanitation, third question.
3. Information Desk: We reviewed directories posted near each entrance to the County Government Center and found no answer to our question. A volunteer present at one desk incorrectly referred us to the Police Department.

Summary of “Mystery Shopper” Test Results

“Yes” means that the inquiry received the correct answer.

“No” means there was an incorrect answer or no response.

Question Posed:	781-5000	Web Site	Info Desk
Whom do I call to complain about poor 911 service?	YES	YES	YES
How can I find out who owns a parcel of unimproved land in the unincorporated area?	YES	NO	NO
Where do I report unsanitary conditions in a restaurant?	YES	NO	NO
Whom do I call to report suspected child abuse?	YES	YES	NO
Whom do I call to report suspected financial abuse of a senior citizen?	YES	YES	NO
Where do I report suspected polluted water in a hotel swimming pool?	YES	NO	NO
Where can I find out if I need a license to sell home-cooked food at an outdoor event?	YES	NO	NO
Where do I find out whether I need a permit to plant a vineyard?	YES	NO	YES
How can I find out what kind of zoning is on a property in the unincorporated area?	YES	YES	NO
Whom do I call to complain about a business transaction?	YES	YES	NO
Whom do I call about pesticides drifting on my property from a neighboring farm?	NO	YES	NO
Where do I go to find out if rent control applies to my mobile home park?	NO	NO	NO
PERCENT CORRECT:	83%	50%	17%

EL PASO de ROBLES

YOUTH CORRECTIONAL FACILITY

The El Paso de Robles Youth Correctional Facility, operated by the California Youth Authority (CYA), is a unit of the Youth and Adult Correctional Agency, and is the largest youth correction agency in the nation, with over 7200 young men and women in its institutions and camps. The mission of the Youth Authority is “to protect the public from criminal activity by providing education, training and treatment services for youthful offenders committed by the courts, directing these offenders to participate in community and victim restoration, and assisting local justice agencies with their efforts to control crime and delinquency, and encouraging the development of state and local programs to prevent crime and delinquency.” CYA encourages the development of state and local programs to prevent crime and delinquency. The facility is located in Paso Robles off Hwy 46 on Airport Road.

The El Paso de Robles CYA houses only male juvenile offenders, who are referred to as “wards.” The wards are received from both juvenile and criminal courts throughout the State. The wards committed directly to the CYA do not receive determinate sentences; their parole release is determined by the Youthful Offender Parole Board. In practice, the period of incarceration is determined by the severity of the offense. Wards committed by the criminal courts who cannot complete their sentence by age 21 are transferred to the California Department of Corrections (CDC) prisons at age 18. Jurisdiction for the most serious felony offenders, both juvenile and young adult, ends on the offender’s 25th birthday.

Method

Members of the Grand Jury met with the acting superintendent, senior staff, and department heads of all operations within CYA. The purpose of the meeting was to tour the facility and to gain an understanding of the operation of the facility.

Each CYA staff member provided an overview and current information about their respective area of responsibility. During these presentations, members of the Grand Jury were encouraged to ask questions, allowing for easy interaction.

Narrative

The El Paso de Robles CYA facility is under- populated and underutilized.

The operating cost of the El Paso de Robles CYA facility for the fiscal year 2003/2004 was \$ 23,500,000 (excluding educational costs).

The average number of wards at the El Paso de Robles CYA during fiscal year 2003/2004 was 340.

The average cost per ward, per year at the El Paso de Robles CYA was \$69,000. The operating cost per inmate per year in the entire California State prison system was \$30,000 for the same period. (Source: CMC Public Relations)

Because the El Paso de Robles CYA is underutilized, the cost per ward is significantly increased.

While the El Paso de Robles CYA facility has the capacity to house 650 wards, as of September 2004, it houses 296, from ages 12 to 22 years. Of these, 31 are in drug rehabilitation programs and 165 are considered escape risks.

Ward Housing

We toured several of the housing units. These units are referred to as cottages, each named for a community in San Luis Obispo County. Wards are assigned to a cottage based on the (type) severity of their crime, initial assignment or pre-release. Prior to assignment they receive an initial physical health, mental health, and dental evaluation. The wards are then assigned to the various programs and cottages. The cottages are clean and well maintained.

One cottage, the Cambria, is the maximum detention unit, and the wards are assigned to this unit due to problems incurred while at the CYA facility. The wards in this unit receive strict discipline and are given close personal and video scrutiny.

Ward Education and Vocational Programs

The El Paso de Robles CYA facility has a fully accredited high school on site. Thirty percent of the wards require some form of special needs training in math, reading, and language. Student to teacher ratio is 18 to 1.

Arroyo Cottage Mental Health Program

Wards with mental health issues are assigned to the Arroyo Cottage. Special counseling is given to those who need more intensive treatment. There are 48 available beds for this program.

The Cayucos Cottage Pre-Parole Program is designed for wards who are within their final six months of parole consideration. The program focuses on helping wards develop work ethics, work habits, and the essential skills needed for daily living outside of the facility. The program provides pre-parole wards with a safe, comfortable, and controlled environment that gives them an opportunity for behavioral changes necessary for parole and living outside the institution. Emphasis is placed on taking responsibility, daily life coping skills, decision making, dress and grooming, etiquette, budgeting, banking, housing, nutrition, health, listening, communication, problem solving, organizational skills, and parole expectations. Wards in this program perform public service as part of the program. Services to the community include: trash pick up, grounds work, painting, and contributing to community special events.

The *Interactive Journaling® Series* is a newly instituted program at CYA. *Interactive Journaling®* is a State wide program consisting of a series of journals maintained by the wards during their stay at CYA. The program is administered by each cottage supervisor. The program focuses on helping wards use their time in the CYA to make positive changes in their lives, and the journals are used in group activities, individual meetings and homework assignments. The first journal is named *Quick Start* and is an overview for the ward to get a start in the program. It covers topics that help wards understand their present situation and recognize an opportunity to take charge of their life, identify their top three problem areas, recognize the benefits and responsibilities of being a member of a group, learn the importance of a positive attitude and how to check their own attitude, understand how thinking filters affect the way they feel and act, and provides an opportunity to invest in a positive change.

Due to the reduction of the ward population several other programs have been discontinued. As an example, the fire fighting program, which was of assistance to

California Department of Forestry, was terminated. During the fire season in 2003 CYA provided firefighters almost on a daily basis.

Conclusion

The El Paso de Robles CYA facility is currently underutilized due to financial restrictions resulting from the State shifting the burden to the counties. Because of this shift, counties are using alternative methods to rehabilitate their youth offenders, and they are only sending their most serious offenders to the correctional facilities.

The costs are associated with running this facility with a population of less than four hundred is too high.

The facility provides a reasonably safe environment for wards, correctional officers and staff; however, it is known that hostile and dangerous situations frequently occur.

The new *Interactive Journaling® Series* is working to focus wards' attention to beginning a new life style.

The grounds are well maintained, as are the living quarters and recreational areas.

The recommendation made by the 2003-4 Grand Jury regarding the disposal of out- of - date drugs has been implemented.

Required Responses

This is an informational report. No formal response is required.

The Tobacco Tax Program: “Raising Our Future”

Proposition 10 (Prop 10) was approved by California voters in 1998 and made possible a program designed to raise the future of the children by improving the early development of children pre-natal to age five. This initiative is supported by a tax on tobacco products (tobacco-tax program), the income being distributed to counties based on the number of births in a county. In 1998, the Board of Supervisors of San Luis Obispo County created the First 5 Commission (Commission) to manage and oversee the County’s tobacco-tax program. The Grand Jury looked into the Commission to determine their level of accountability for the county's tobacco-tax allocations, how well the program is meeting the needs of the County’s children prenatal to age five, and the level to which the Commission has been successful in including stakeholders from the community when approving proposals and grant applications.

The Grand Jury is pleased with the work of the Commission and its stated objectives, but finds some weaknesses that should be addressed.

Origin

The Grand Jury decided to look into San Luis Obispo County’s First 5 Commission by its own initiative, motivated in part by an article in the July 16, 2004 San Luis Obispo Tribune: "Tobacco-tax Programs Lack Oversight". The article reported the findings of a California State Auditor who looked at several other counties’ tobacco-tax programs and found a lack of documentation and problems with accountability for the use of these public dollars.

Method

The Grand Jury first studied the Prop 10 enabling legislation (as amended January 2004) and reviewed material on the web sites of the state and local First 5 Commissions and statewide First 5 Association. We then contacted local Commission staff, requested and reviewed documents, and identified potential concerns. The Grand Jury reviewed three years of annual reports, budgets, and financial statements; the original and revised strategic plan; and held interviews with key staff. In addition, the Grand Jury studied

materials from other counties' First 5 Commissions. We then identified the following objectives in beginning this investigation:

- To know the mission and goals of the San Luis Obispo County First5 Commission and whether the Commission is in compliance with the State's Prop 10 legislation.
- To learn how the Commission seeks and uses community input in its strategic planning and priority setting process.
- To know how the Prop 10 funds in San Luis Obispo County are being used.
- To learn what processes are in place for fiscal oversight and accountability.
- To learn how the Commission measures success and tracks and reports outcomes to the community.
- To determine what plans are in place to address carryover funds.
- To learn the Commission's efforts and successes in attracting matching funds.

Narrative

California's Children and Families Act of 1998 (Prop 10) imposed a 50 cent per pack tax on cigarettes. Prop 10 created a California Children and Families Commission (now known as First 5 California), authorized the creation of a local commission in each of the 58 counties, and established criteria for the allocation and use of the revenue. Prop 10 funds must be used to improve the early development of children pre-natal to age five. Local commissions are required to assess needs, develop plans and implement strategies in three focus areas: 1) Parent Education and Support Services, 2) Child Care and Early Education, and 3) Health and Well-Being of Children.

Eighty percent of all Prop 10 revenue is distributed to county commissions via an allocation formula based on the annual number of births in a county. San Luis Obispo County's First 5 Commission has responsibility and accountability for the annual receipt, management and distribution of millions of tax dollars.

San Luis Obispo County's First 5 Commission was created by the County Board of Supervisors (BOS) subsequent to the passage of the California's Children and Families Act (Prop 10) in November 1998. Three of the Commission's nine seats are defined by the legislation and include a member of the Board of Supervisors, the Public Health

Officer, and the Director of Social Services. The remaining six seats are BOS-appointed representatives from government and community organizations. These include the County Superintendent of Schools and designated representatives from the San Luis Obispo County Medical Society, Child Care Planning Council, Children's Services Network, and the community.

The Commission is currently staffed by 3.5 FTE (full-time equivalent) employees and based in the County Public Health Department under a contract and Memorandum of Understanding with the BOS. Commission staff includes a half-time Executive Director, two Administrative Services Officers and one Administrative Assistant.

The Commission recently completed the process of updating its original needs assessment and strategic plan, first adopted in the Fall of 2001. The strategic plan sets forth the Commission's goals, objectives and priorities for funding. Between the fall of 2002 and the Winter of 2004 the Commission engaged the community in a comprehensive assessment of community needs and priorities in regard to a target population of young children and their families. Fifteen community meetings were held around the county which included use of trained facilitation and bi-lingual services. The results obtained from the meetings were analyzed and incorporated into planning for future services in the required four result areas (as defined by the State First 5 Commission):

- Improved Child Development
- Improved Child Health
- Improved Family Functioning
- Improved Systems of Care

The July 2004 update to the Commission's strategic plan (Raising Our Future⁴) identifies the Commission's ongoing and revised goals and objectives for the period 2004-2007 under each result area. Identified for funding are four initiatives and 11 direct service programs. They are:

First 5 Initiatives and Direct Service Programs	
Initiatives:	
1.	The Childcare Retention Initiative/CARES
2.	SLO County School Readiness Program
3.	Children's Health Initiative/Healthy Kids
4.	Prenatal Substance Abuse
Direct Service Programs:	
1.	Head Start School Readiness Program
2.	State Preschool Extended Day Program
3.	BABES (Babes at Breast Education & Support Program)
4.	Baby's First Breath (Tobacco Control Program)
5.	CSIP (Children's behavioral/developmental Screening & Intervention Project)
6.	Dental TEN Program
7.	Teen Academic and Parenting Program
8.	Vision Screening
9.	FTMP (First Time Mothers Program)
10.	New Parent Kit Distribution
11.	Postpartum Depression Screening

⁴ Document available from First 5 Commission, 805-781-4058 or www.first5slo.org

Continued funding for these services is contingent on the programs meeting specific measurable objectives. (The document also includes a chart showing actual and projected revenues and expenses for the fiscal years 2001-02 through 2008-09.) The Commission has terminated several under-performing projects and those which no longer meet a goal of its strategic plan.

The County's annual allocations of Prop 10 revenue, plus special State First 5 Commission distributions and any interest earned (according to the Commission's annual reports to the state), is shown in the chart below. As of the end of fiscal year 03-04, there was a balance in excess of \$5.9 million in the fund.

Fiscal Year:	Allocation:
1999-2000 (18 months)	3.9 million
2000-2001	2.7 million
2001-2002	2.5 million
2002-2003	2.8 million
2003-2004	2.3 million

The State First 5 Commission predicts that Prop 10 revenue will continue to decrease each year as tobacco sales decline. The Commission's stated goal is to maintain an unspent balance of \$4.5 million through year ten of the program (2008-09) and therefore it has developed its projected budgets accordingly. The Commission justifies the high end-of-the-fiscal-year funds carry-over balance on the grounds that it is needed to permit sustaining existing programs in the future as Prop 10 tax revenues decline. (Whether revenues will or will not decline in the future is still an open question.) Prior to fiscal year 2003-04, the Commission had not attracted any non-Prop 10 matching funds in support of its programs, however its stated priority was to pursue this activity in future years. In 2003-04, the Commission was successful in attracting just under \$180,000 and began working to identify opportunities for leveraging of federal dollars in the future. If tax revenues decline at the predicted rate, the program cannot be sustained at its current level for an indefinite time without such new sources of funding.

The Commission's budget allocation for administrative expense during its first two years was 7.9%. During 2002-03 and 2003-04 administrative expense was about 12%. The Commission authorized the hiring of an additional administrative services officer who would be responsible for financial- and grant-management activities beginning in fiscal year 04-05. The administrative expense allocation for that year is budgeted at 11.75%. At the July 28, 2004 meeting of the Commission, the Chair directed staff to agendize the adoption of a policy on administrative expenses for the next meeting. A review of subsequent minutes of Commission meetings through January 19, 2005 revealed that this had not been done.

Payments are made in arrears, on a periodic basis, to the individually funded First 5 projects. The invoices submitted by the projects are reviewed for irregularities that could have a material effect on the progress of the project or that exceed the budgeted amount for individual items. Summaries of expenses for individual projects are not audited by or for the county to gain assurance about whether they are free of material misstatements or illegal transactions. The Commission does not require proof that an independent auditor reviewed the grantees' or contractors' financial records. The County has custody of the fund balances and invests them in accordance with goals to maximize returns, while limiting risk to an acceptable level. The Grand Jury did not look into how well the County is doing in investment returns. The Commission's most recent strategic plan assumes 4% interest on these funds.

The goals and objectives for the Commission's Childcare Retention Initiative are to improve the availability of high-quality childcare providers in the field. While the goals and objectives are worthwhile, there is no evidence that stipends given to current childcare providers for continuing education will encourage recipients to remain in the field or with their agency. We do not question the Commission's position on the need for more qualified childcare providers, but given the pay scale for childcare providers, the outcome is problematic. Both local and California-wide data are needed to assess whether the goals and objectives are being realized.

The Commission does not currently support a project to help abused/neglected children under the age of 5 who are wards of the court in San Luis Obispo County. Research shows that foster care children have disproportional higher incidences of developmental delays and medical and/or social problems,^{2,3} and about 35 percent of homeless adults,^{4,5} and 30 percent of California prisoners⁶ have a foster care history. A steady positive influence is needed to raise the future of these children. Child Welfare Services (CWS) has responsibility for supervising the care of abused/neglected children; however large caseloads limit the amount of time CWS case workers can devote to these children. Court Appointed Special Advocates (CASA) of San Luis Obispo County fills this gap to the extent that their budget allows. CASA currently has about 72 children age 0-5 on their waiting list.

When the Grand Jury first visited the Commission's web site in November 2004, the most recent First 5 Annual Report posted was for fiscal year 2001-02. On request, Commission staff provided the Grand Jury with copies of lengthy annual reports and financial statements which have been submitted to the State First 5 Commission for each of the subsequent years (2002-03 and 2003-04). The newly updated strategic plan has been printed and is also posted on the web site. It contains historical information on the activities of the Commission since its inception. In January 2005, the Commission also posted the remaining annual reports through 03-04 on their web site.

² U.S. Dept. of Health & Human Services, National Clearinghouse on Child Abuse and Neglect, "Long-Term Consequences of Child Abuse and Neglect", March 2004

³ American Academy of Pediatrics, Committee on Early Childhood, Adoption, and Dependent Care, "Health Care of Young Children in Foster Care", Pediatrics Vol. 109, No. 3, p 536-541, March, 2002

⁴ Nan P. Roman and Phyllis Wolf, "Web of Failure: The Relationship Between Foster Care and Homelessness", National Alliance to End Homelessness, April 1995

⁵ Results vary by region of the Country and by the method used to collect the data, but the most extensive data set presented in reference 4, which included information collected by 21 organizations and covered 1,134 homeless people, showed 36.2 percent had a foster care history.

⁶ Marvin Mutch, "Words and Works from Our Family", 2003 Patton College Commencement Address

Findings

1. Invoices submitted by First 5-funded projects are not audited against actual expenditures.
2. The County does not audit summaries of expenses for individual First 5-projects to gain assurance about whether they are free of material misstatements or illegal transactions.
3. The 'success indicators' for the Childcare Retention Initiative have not been supported with data on results.
4. Child abuse/neglect victims have disproportional higher incidences of developmental delays and medical and/or social problems; and about 35 percent of homeless adults and 30 percent of California prisoners have a foster care history.
5. The First 5 program does not currently support a project aimed at helping abused/neglected children under the age of five who are wards of the court.
6. The Commission has not adopted a policy to establish a monetary or percentage limit for administrative expenses.
7. The Commission asserts that its carry-over balance will sustain existing programs in the future as Prop 10 tax revenues decline.
8. Until 2003-04, the Commission did not have a program to attract any non-Prop 10 matching funds in support of its initiatives.

Recommendations

1. The Commission should require evidence that a financial audit has been performed for every funded project and receive a copy of the audit report. (Re: Findings 1 and 2)
2. To evaluate the Child Staff Retention project, the defined 'indicators' for that project need to be supported with data. (Re: Finding 3)
3. The Commission should initiate a project aimed at helping abused/neglected children under the age of five who are wards of the court. (Re: Findings 4 & 5)
4. The Commission should adopt a policy establishing a monetary or percentage limit for its administrative expenses. (Re: Finding 6)

5. The Commission should actively pursue attracting additional funding from non-Prop 10 funding sources. (Re: Findings 7 & 8)
6. To address sustainability of its programs in the future, the Commission should work hard to identify and apply for any available grants, gifts, donations, and other sources of non-Prop 10 funding. The increased exposure to charitable organizations, foundations, and other government entities could have the added benefit of activities being cost-shared with or transferred to other agencies or organizations. (Re: Findings 7 & 8)

Required Responses

1. First 5 Commission: All Findings and Recommendations. by May 31, 2005
2. Board of Supervisors: All Findings and Recommendations. by June 30, 2005

**San Luis Obispo Public Health Department
Environmental Health Services
Food Establishments: Are They Safe?**

While dining at our favorite restaurant, or shopping at our local grocery store for deli, meat, or bakery items, we assume that the establishments are clean and safe, and that the food is prepared and served in a sanitary manner. To ensure that individuals in San Luis Obispo County have a favorable experience with food, and that all safety and sanitary standards are met, the Environmental Health Services (EHS) of the Public Health Department conducts regular inspections of all food facilities in our county.

Origin

The Grand Jury selected the San Luis Obispo County Public Health Department - Environmental Health Services from a list of county agencies that have not been investigated by the Grand Jury within the past five years.

Method

We reviewed the applicable sections of the policies, goals and procedures manual for the EHS, interviewed the Director and the Supervisor of Environmental Health, and accompanied inspectors on several routine inspections of four restaurants, one of which includes a bar; a supermarket, including the deli, meat and bakery sections; and the food preparation section of a retirement home.

Narrative

Retail Food Program Policy

The EHS retail food program policy is to follow a system of progressive enforcement in the pursuit of operator compliance with all laws and regulations governing retail food facilities. The EHS staff attempts to secure compliance informally through education, professional persuasion, reasoning, and then progress, as necessary, to formal measures, e.g. assessment of re-inspection fees, notices of violation, office hearings, and county counsel/DA referrals.

Retail Food Program Philosophy/Policy Issues

The overall philosophy of EHS is prevention. Therefore, during routine inspections emphasis is placed on education and illness prevention. Inspectors are trained to identify and help to correct deficiencies that could result in harm to the consumer. The preventive philosophy relies on education activities, such as training classes, directed toward operators and employees of food establishments. However, the rapid turnover of food establishment employees is such that the training activities fall short of meeting the industry's needs. EHS must use enforcement actions when necessary to achieve compliance with Health and Safety Code standards. In order to help educate operators and employees of food establishments about food handling safety and compliance, the EHS writes and sends a "Food Program Update" annually to every retail food establishment.

Retail Food Program Goals and Objectives

The goals are:

- that food served at retail food facilities is pure, safe, and unadulterated, and
- that the Environmental Health Specialists are well trained, consistent, thoroughly competent, and able to carry out the Food Sanitation and Consumer Protection, Retail and Consumer Protection program.

The objectives are to:

A. Conduct an inspection program of retail food facilities at intervals of three to twelve months:

- assure compliance with requirements for sanitation, operation and maintenance,
- ensure that those required to maintain a certified food safety employee are in compliance,
- inspect food vending machines, produce vehicles, satellite food distribution facilities and food service facilities associated with organized camps and detention facilities annually, and

- identify high-risk food facilities and assist their operators in correcting their compliance problems through increased efforts in inspection, education and enforcement.
- inspect festivals and occasional non-profit food sales events.

B. Investigate and abate complaints regarding poor sanitation, maintenance, food handling and food borne illnesses related to retail food facilities:

- respond to emergency situations posing a threat to the purity of the community's food supply (including food recalls, terrorist activity, accidents in transportation, fire, flood and loss of electrical power), in cooperation with state and federal agencies.

C. Track violations directly related to food handling, storage and preparation practices in retail food facilities.

Inspection Responsibility

EHS is responsible for the inspection of over 1450 retail food establishments and the law enforcement jail food facilities in San Luis Obispo County. Retail food facilities include: restaurants, supermarkets, bars, liquor stores, meat markets, bakeries, food vending machines, vehicles, temporary events, farmers' markets and school cafeterias. When retail food establishments fail to cooperate with inspectors or they violate the law, the EHS inspectors follow a set of standard operating enforcement procedures to ensure that the establishment corrects the cited problem(s) and achieves compliance.

Safety Certification

Food facilities must continually have an owner or employee who has successfully passed an approved and accredited food safety certification examination. Failure to have the required certified food safety certification may result in closure of a food business. The law assigns responsibility to the certified food safety employee for ensuring that all employees who prepare or serve food have sufficient food safety knowledge.

New Legislation

In January of 2005, legislation was introduced that may replace the current California Health and Safety Code excerpts known as California Uniform Retail Food Facilities Law. According to the EHS supervisor, the proposed new law is more aligned with the United States Food and Drug Administration's Model Food Code.

Food Inspectors' Responsibilities

There are approximately 1450 facilities subject to inspection in San Luis Obispo County. Each is inspected a minimum of once a year, except when there is a violation cited, or there is a change in ownership. The inspections are unannounced visits. Some inspections take place in the evening to correspond with evening events such as farmers' market, restaurants that are only open for dinner or movie theatres that are only open in the evenings.

The Environmental Health Services has 3.5 full time equivalents (FTEs) assigned to food establishment inspections. The staffing level of food inspectors has not increased in twenty years; however, the number of food establishments has increased from approximately 1260 to approximately 1450 in the past ten years, therefore, it has impacted the frequency of inspections from two or three a year to the minimum of one year as stated above.

EHS is also responsible for reviewing plans for new eating establishments, inspecting them before they open for conformance to standards, checking temporary eating areas at special events, and in case of change of ownership.

Food Inspector Training and Qualifications

During the first two years of employment all food inspectors must complete a training program administered by the county EHS and approved by the State of California, then be tested and certified. To be hired for this position an applicant must have a four-year college degree, with courses in the relevant science fields. Once hired, the person begins on-the-job training. (See Appendix A for details.)

Site Tours

During our site visits to a supermarket, four restaurants, one of which includes a bar, and a retirement facility, we observed the inspectors checking the following:

- all thermometers for both cold and hot foods, in both the refrigerators, cooking and deli areas,
- all areas for cleanliness, such as hot water sources, sanitation buckets,
- all outside refrigerators and cases,
- all refrigerators and floor drains in the store,
- all walk-in refrigerators and freezers,
- the meat and fish department,
- the food storage areas,
- the vegetable storage and washing areas, and
- the restrooms (for hot water, soap, towels, and overall cleanliness).

Public Food Inspection Report

Each food establishment must post, in a prominent place, a notice stating that a copy of the most recent inspection report is available to anyone upon request. (See Appendix B.)

Violations

A notice of violation(s) will result in a return visit from an inspector; the time elapsed between notice and return depends upon the severity of the violation. Violations may be corrected while the inspector is present, or may require a return visit by the inspector within the time required for the correction. (Please refer to Appendix C for a sample food inspection report, which includes a list of possible violations.)

Information about a food facility may be obtained by requesting the latest inspection report from the manager, or by calling the Public Health Office, EHS at (805) 781-5544, FAX: (805) 781-4211. To file a complaint, visit or call the office of Environmental Health Services at 2156 Sierra Way, San Luis Obispo, CA, or write to Environmental Health Services, P.O. Box 1489, San Luis Obispo, CA 93403. (See Appendix D for a copy of the complaint policy statement, and Appendix E for a copy of

the complaint investigation form.) The Grand Jury noted that there is not a separate citizen complaint form.

Findings

1. The current complaint investigation form is designed only for internal use.
2. An independent citizen complaint form does not exist.

Conclusion

Our observations indicate that the Environmental Health inspectors are competent and thorough in performing their duties even though the number of retail food facilities has significantly increased over the last twenty years. Despite having other environmental duties, such as taking samples of ocean water to determine water purity, reviewing proposed water well drilling sites to determine if a well can be drilled, and inspecting small water systems for water purity, they work diligently to ensure that food establishments in San Luis Obispo County comply with all applicable regulations. It is interesting to note that even with the increase in the number of food establishments, the number of complaints received by the EHS has remained consistent over the last eight years, with approximately 200 a year. This consistency is attributed to the fact that most food establishments are investing more time and money in better training of their employees and in quality assurance programs.

Recommendation

1. Develop and provide citizens with a separate complaint form. (Findings 1 and 2.)

Required Response

Pursuant to the California Penal Code, the following agencies are required to respond to the findings and recommendations in this report:

Director of Environment Health Services August 30, 2005 (Findings 1 and 2)
(Recommendation 1)

Director of the Public Health Department September 30, 2005 (Findings 1 and 2)
(Recommendation 1)

Appendix A

Guidelines for

Environmental Health Specialist Trainee Education, Experience, and Training Requirements

Environmental health specialist trainee means a person who:

- (1) possesses a minimum of a bachelor's degree including 30 semester units of basic sciences* from a department approved educational institution, but who has not completed the education, training, and experience requirements in the field of environmental health as required by Section 106660 for registration, and
- (2) is engaged in an approved environmental health training plan.

Basic Requirements	Experience	Training
I. 30 semester or 45 quarter basic science units including each of the following: General Chemistry Lecture/Lab, General Microbiology Lecture/Lab, General Biological Science Lecture/Lab, Calculus or College Algebra, and General Physics Lecture/Lab or Organic Chemistry Lecture/Lab.	18 Months	600 Hours
II. 45 semester or 68 quarter basic science units including the following: Three of the required science courses shall include a laboratory: General Chemistry, Organic Chemistry, General Physics, General Microbiology, General Biological Science, Calculus or College Algebra.	1 Year	450 Hours
III. 30 semester or 45 quarter basic science units including each of the following: General Chemistry Lecture/Lab, General Microbiology Lecture/Lab, General Biological Science Lecture/Lab, Calculus or College Algebra, and General Physics Lecture/Lab or Organic Chemistry Lecture/Lab. Three semester or four quarter unit courses in each of the following: Epidemiology, Statistics, Public Administration or Environmental Health Administration and 10 semester or 15 quarter units in environmental health science, including one or more of the following: water quality, waste management, food and consumer protection, housing and institution sanitation, vector control, recreational health, air quality, milk and dairy products, occupational health, electromagnetic radiation, noise control, toxicology, soil science, or land use development.	9 Months	300 Hours
IV. 45 semester or 68 quarter basic science units including the following: Three of the required science courses shall include a lab: General Chemistry, Organic Chemistry, General Physics, General Microbiology, General Biological Science, Calculus or College Algebra. Three semester or four quarter unit courses in each of the following: Epidemiology, Statistics, Public Administration or Environmental Health Administration and 10 semester or 15 quarter units in environmental health science, including one or more of the following: water quality, waste management, food and consumer protection, housing and institution sanitation, vector control, recreational health, air quality, milk and dairy products, occupational health, electromagnetic radiation, noise control, toxicology, soil science, or land use development.	6 Months	200 Hours
V. Possess a minimum of a bachelor's degree in environmental health from an institution approved by the Registration Committee, which includes: One year of lecture and laboratory coursework in each of the following: General Chemistry, General Physics, General Biological Science. One semester course in Calculus or College Algebra, Organic Chemistry, General Microbiology with Lab, Public Administration or Environmental Health Administration, Epidemiology, Statistics, and a Field Orientation Course in Environmental Health. Fifteen semester units of environmental health science courses shall be selected from: water quality, waster management, food and consumer protection, housing and institution sanitation, vector control, recreational health, air quality, milk and dairy products, occupational health, electromagnetic radiation, noise control, toxicology, soil science, or land use development.	None Required	None Required

*Courses designed to meet general education requirements are not acceptable. Please refer to the California Health and Safety Code, Section 106635.

SAN LUIS OBISPO COUNTY PUBLIC HEALTH DEPARTMENT

Environmental Health Services

NOTICE

THIS FACILITY IS INSPECTED BY THE LOCAL ENVIRONMENTAL HEALTH AGENCY. A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE

HERE FOR REVIEW UPON REQUEST.

Appendix C

San Luis Obispo County Environmental Health Services Food Inspection Report

2156 Sierra Way • P.O. Box 1489, San Luis Obispo, CA 93406-1489

Jaro 481-6075

San Luis Obispo 781-5544 Fax 781-4211

Grower Beach 473-705

Business Name		Program Number		Inspection Date	
Address		Program Element		Re-Inspection Date	
Person in Charge		Phone Number		Inspection Time In:	
				Inspection Time Out:	
Facility:		Update Inventory		Travel Time:	
Add to Inventory		Remove from Inventory			
Violations: Check each one that applies		Service Code		Action Code	
001 Regular Inspection		31 Closed Unit Abated		01 Not Applicable	
003 Re-Inspection		32 To Be Re-Inspected		Health Permit	
004 Complaint Inspection		33 No Violation		Valid _____ Not Valid _____	
005 Complaint Re-Inspection		34 Violations Abated			
009 Consultation		35 Impound		Food Safety Certification	
012 Impound		36 Citation Issued		Valid _____ Not Valid _____	
029 Construction		37 Next Regular		Name _____	
271 Chargeable Re-Inspection				Date _____	
108 No Hot Water					
109 Employee Health		The following items represent Health Code violations that must be corrected:			
201 Handwashing (major)					
221 Handwashing (minor)					
202 Cooking Temperature (major)					
222 Cooking Temperature (minor)					
203 Holding Temperature (major)					
223 Holding Temperature (minor)					
204 Cooling Practices					
205 Thawing Practices					
206 Food Prep Practices					
207 Utensil Wash/Sanitization (major)					
227 Utensil Wash/Sanitization (minor)					
208 Prep Surface Sanitation (major)					
228 Prep Surface Sanitation (minor)					
209 Employee Sanitation (major)					
229 Employee Sanitation (minor)					
Critical Violations					
301 Waste Disposal					
302 Lighting					
303 Janitorial Facility					
304 Inadequate Equipment (major)					
324 Inadequate Equipment (minor)					
305 Food Storage / Display					
306 Monitoring Tools					
307 Vermin / Animal / Insects					
308 Plumbing - Water					
309 Unsafe Food Source (major)					
326 Unsafe Food Source (minor)					
Construction / Maintenance					
401 Employee Area					
403 Storeroom / Storage Methods					
405 Food Transportation		Public Disclosure Items		Received By:	
407 Floor		Improper Holding Temperatures			
409 Walls		Inadequate Cooking			
411 Ceiling		Poor Personal Hygiene of Food Handlers			
413 Ventilation		Contaminated Equipment			
415 Signs		Food from Unsafe Sources			

Appendix D

San Luis Obispo County Health Department	Revision Date Replace Date / /	Page 1 of 2 Pages
Division of E.H.	Policy #:	Date:
E.H. Mgmt:	Date:	
P.H. Admin:	Date:	
Subject: Complaints		

POLICY:

It is the policy of Environmental Health to protect the health and welfare of the public by responding to or referring complaints and taking enforcement action when necessary.

PURPOSE:

To assess the public health threat and to notify and work with appropriate responsible parties to correct existing problems and violations.

PROCEDURE:

All complaints taken will be entered into the complaint program and given to the appropriate specialist or supervisor. A phone call or site review will be made as soon as possible to determine the validity of the complaint. If valid, the complaint will then be prioritized according to its health risk. An investigation will be conducted to determine the responsible party after which they will be notified either in writing or by phone as to the appropriate action to be taken.

Because of the diverse nature of complaints, it is not feasible to determine a comprehensive priority list. However, some of the higher priority health risks are as follows:

- Sewage release (immediate response)
- Hazardous spills and/or materials (immediate response by on call person)
- Consumer Protection –
 1. Alleged food borne illness
 2. Contaminated food/recalls
 3. Immediate danger to public, e.g. unsafe food temperature, sewage contamination, nonpotable water supply, or an employee who is a carrier of a communicable disease.

Appendix D (Cont.)

San Luis Obispo County Health Department	Revision Date Replace Date / /	Page 2 of 2 Pages
Division of E.H.	Policy #:	Date:
E.H. Mgmt:	Date:	
P.H. Admin:	Date:	
Subject: Complaints		

- Solid Waste -
Trash/garbage
- Vectors
- Housing and Institutions -
 1. No running water
 2. No heat
 3. Vermin infestation
 4. Improper occupancy, e.g. someone living in the garage

If a complaint is submitted anonymously, it may be placed at the bottom of the priority list unless its public health significance requires an immediate response.

If the complaint is not in Environmental Health's jurisdiction a written referral will be sent to the appropriate agency with copies being kept on file and sent to complainant.

Appendix E

Complaint Investigation Form

COUNTY OF SAN LUIS OBISPO

Run by :

Date run :

PROPERTY OWNER INFORMATION

Property Owners Name:

Site Address:

Phone: Hm: :

PROPERTY INFORMATION

Property Name:

Location:

Site Address:

Phone: :

* Differs from linked Owner/Facility record

No Complaint Record Found

Service Code: _____

Action Code: _____

Reinspection Date: _____

Assigned Date: _____

Character of Premises

Complainant:

Address:

Nature of complaint:

Result Code: _____

Assigned Time:

District:

CT: _____

Block:

Home Phone

Work Phone :

Received by:

Assigned to:

Date Abated: _____

Inspector: _____

INVESTIGATION REPORT

Detail all progress report (s) chronologically. List dates, times, types of notices, names address and phone numbers of people involved. Describe conditions and actions taken. Attach all pertinent paperwork to this report.

Date : _____
Time In : _____
Time Out : _____
Hrs/Min : _____

Date : _____
Time In : _____
Time Out : _____
Hrs/Min : _____

Housing Authority San Luis Obispo

Managing Affordable Housing for Low Income Families

In August 2004 the Grand Jury identified, among many areas of concern, the availability of “low income housing” in the City of San Luis Obispo. A 2003 San Luis Obispo County community wide result report indicated that “high housing prices, coupled with relatively low incomes, makes housing affordability one of the most challenging issues facing our county.” The tenants of public housing are mostly low-income families and a select group of eligible seniors and disabled persons. The waiting list for available public housing has been closed since November 1999. There are 220 on a waiting list. The number has started to diminish due to an exodus to other cities where there are better job opportunities with higher pay and more affordable housing.

Origin of Inquiry

The Grand Jury was motivated to look into the Housing Authority of San Luis Obispo (HASLO) programs to determine what services are offered to the residents of the City of San Luis Obispo. The twofold objective of this inquiry is: 1) to determine whether or not HASLO is helping people/families who can not afford to pay rent and, 2) how applicants for housing are qualified and accepted when a vacancy occurs.

Authority

California Penal Code §925 states: “The grand jury shall investigate and report on the operations, accounts, and records of officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts. The investigations may be conducted on a selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by, for the Board of Supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of officers, departments, or functions of the county. The grand jury

may enter into a joint contract with the Board of Supervisors to employ the services of an expert as provided for in Section 926.” HASLO is under the purview of the City of San Luis Obispo and as such can be investigated by the Grand Jury.

§933.1. states: “A grand jury may at any time examine the books and records of a redevelopment agency, a housing authority, created pursuant to Division 24 (commencing with Section 33000) of the Health and Safety Code, or a joint powers agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such agency or authority.”

Method

The Grand Jury reviewed HASLO’s policies and procedures that pertain specifically to the requirements for tenancy in these facilities. We interviewed the Executive Director/Secretary of HASLO and visited four housing locations in the City of San Luis Obispo. We reviewed the July 30, 2004 HASLO Annual Report that was submitted to the Mayor and City Council Members.

Narrative

The Grand Jury wanted to know what the Housing Authority was and of what value it is to the residents of the County. HASLO and the Paso Robles Housing Authority (PRHA) are the only Housing Authorities in the County. The management and operations are independent of each other. HASLO manages and operates public housing in accordance with the provisions of the California Health and Safety Code Section 34200-34219, the law that governs the agency. The primary function of a housing authority is “to operate rental housing programs for clients whose incomes do not exceed 80% of county median income.” The federal government is the primary funding agency for HASLO. Other funding comes from tenant rentals. HASLO participate in Community Development Block Grant and HOME Program funds, which are jointly administered by the County and City. According to the Executive Director/Secretary, HASLO operates without City or County general fund monies and does not receive any funding from the State of California except for “a very occasional grant.”

The Section 8 Housing Assistance Payments Program, (HASLO works with private landlords to provide housing assistance throughout the County) is by far HASLO'S largest program, and the San Luis Obispo Non-Profit Housing Corporation, whose functions are also administered by HASLO, are not reported in depth in this report. The Grand Jury, however, visited two sites that are owned by the Non-Profit Housing Corporation. One of those developments was built via the tax-credit program and the second was acquired from private sources.

In 1988 HASLO took advantage of the *Internal Revenue Service Act of 1986*, which created the tax-credit program, by forming an affiliate, the San Luis Obispo Non-Profit Housing Corporation. This affiliate “owns, [which HASLO] manages, approximately two hundred units of housing in San Luis Obispo, Atascadero, Los Osos, and Templeton.”

Previous grand juries had not examined HASLO within the past five years. The Grand Jury believes that a service-oriented housing authority can insure that operating standards set up by the federal government and the State of California are upheld, thus safeguarding the well being of its tenants and the community. By the same token, this report is intended to promote informed awareness in the community about public housing assistance available to those who can not afford to pay the full cost of their housing.

The United States Housing Act of 1937 established legislation that permitted the construction of public housing, known as *the projects* in the early years of its inception. Over time the administration and management of public housing trickled down to the state level by the passage of enabling legislation. The California Health and Safety Code, Division 24 Part 2, starting with paragraph 34200, defines the complete duties and powers of a housing authority. The implementation of its policies and procedures became the responsibility of the city government that created the housing authority.

The residents of the City of San Luis Obispo voted in 1968 to form a “Housing Authority.” It became a reality in August of the same year. The Executive Director

Secretary of HASLO has been in his position since February 1987. He had this to say about the Housing Authority:

It [HASLO] has a seven-member commission, two tenants [one representing family units and one representing senior units] who are appointed by the Mayor with the consent of the City Council. The Commission hires an Executive Director [whose] job it is to hire sufficient staff to operate the agency on a day-to-day basis. The commission approves budgets, adopts policies, and oversees the operation of the agency via monthly meetings open to the public. In its [HASLO] 36 years of operation, the agency has had three Executive Directors and a stable workforce.

HASLO owns and operates 170 public housing units on 14 different sites within the city limits of San Luis Obispo that were built between 1970 and 1984. Four sites were visited by the Grand Jury accompanied by the Executive Director/Secretary, two of which were not *public housing*. We did not enter any of the tenants' residences. Our observations were of the exterior of the buildings and the surrounding environment.

The Hathway site is a *public housing facility*. It is a group of units located in an area that blends with its neighboring homes. It has a parking lot that was free of debris and cracks in the pavement. A HASLO sticker is required on all vehicles that park in the lot. The playground for the children was in good repair. The flooring of the play area is constructed with rubberized matting to soften the fall of a child while at play. The buildings looked clean. There are open spaces and trees between the buildings. The wood fencing surrounding the housing units is due for a paint job within the next year according to the Executive Director/Secretary.

The Brizzolara site is a *tax credit housing facility* between the Brizzolara Creek on one side and the 101 Freeway on the other. Since these units are in a flood plain, they are built on cement stilts to provide for the flow of floodwater into the creek. There is a sound barrier constructed to off-set freeway sounds. We saw that there is disabled access

to the buildings. A common laundry room is available for the residents. The building looked newly painted. Landscaping and grounds are well maintained.

The Puerto del Sol site is a *public housing* facility where only families with children are accepted. The children's play area has been refurbished with rubberized matting to soften the fall of children at play. Landscaping maintenance is apparent by the trimmed hedges that act as a berm (shoulder of a road). Although this is one of the older buildings among the 14 sites, this presents itself as a well-maintained public housing.

The Margarita site is a *non-profit owned housing* facility located in lower Higuera Street. It is one of the older sites. The building looks its age, but a new coat of paint would render it more presentable. There is a common laundry utility room. There is disabled access to one of the units that we passed. The extent of the landscaping is a small garden area by each front door. The children's play area is off-set in a corner of the parking lot. A part of the wooden fence that separates the housing property from the business area was in disrepair, which was duly noted by the Executive Director/Secretary.

A visit to the site on April 12, 2005 showed that the building has been painted. The small garden areas by each front door are flourishing with plants and flowers. The Executive Director/Secretary acknowledged that the fence is yet to be repaired..

The Admissions and Continued Occupancy Policy for the Public Housing Program was approved by the HASLO Board of Commissioners on January 20, 2000. It is the departmental policy and procedure that promulgates in ten chapters all the protocol that governs the Housing Program. The Housing Authority Mission Statement is:

The Housing Authority of the City of San Luis Obispo is committed to building and maintaining affordable housing for the citizens in our community. We seek to create safe neighborhoods by partnering with individuals and organizations to provide housing, education, and employment opportunities for families of modest means to become self-sufficient and improve their quality of life. Our goal is to

provide decent, safe and affordable housing for eligible residents of the county of San Luis Obispo, and manage our programs with good, financially sound property management practices. We are committed to serve each applicant and participant as well as the entire community in a manner that demonstrates professional courtesy, compassion, and respect.

In addition, the goal of HASLO is “to help provide housing to clients who are low income families, elderly people, and disabled and handicapped people.” Other clients include those forced to move from their rental homes. Assistance is also provided to homeless families and victims of natural disasters that are rendered temporarily homeless.

Conclusion

The public housing properties are virtually indistinguishable from adjacent and nearby private properties. A thorough review by the Grand Jury of the “Admissions and Continued Occupancy Policy” indicates that HASLO has a written policy that addresses the mandate to comply fully with all federal, state, and local nondiscrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment.

Required Response

This is an informational report. No formal response is required.

Citizen Complaints Against Law Enforcement Agencies Internal Affairs Investigations

Residents often have questions about the law enforcement agencies they depend upon for safety and services. Questions such as:

- Do we have recourse if we feel we have been mistreated by a peace officer, or if a peace officer oversteps his/her authority?
- Is there a procedure to file a citizen complaint?
- Do the law enforcement agencies follow prescribed procedures?
- Are the procedures adequate?
- Is the complaint process friendly or intimidating?
- Do the law enforcement agencies keep adequate records?
- How many times in the previous years has my law enforcement agency had complaints?
- How does their complaint ratio compare to that of similar agencies in the area?
- How and when will I be kept informed about my complaint?
- Is there a review process that is independent of the law enforcement agency where a complaint is filed?

Method

The Grand Jury reviewed the written policies and procedures manuals for handling and investigating citizens' complaints used by each of seven city police departments (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo) and the Sheriff's Department. In addition, we reviewed the policies and procedures manuals of the California Highway Patrol (CHP). Interviews were also conducted with the chief of police in each city agency and with the County Sheriff and his chief in charge of internal investigations.

Each agency was asked to explain their citizen complaint process to members of the Grand Jury. We then compared their verbal explanation to their written policies and procedures.

We also audited the five-year logs and records of all citizens' complaints for each agency. The CHP, a state agency, is not under the purview of the Grand Jury; therefore we did not audit their logs. We were, however, given a verbal explanation of their policies and procedures, as well as being provided with a copy of their written policies and procedures. Our evaluation determined that the CHP policies and procedures were the most comprehensive and *we* used them as a benchmark to measure the other agencies investigated. We also reviewed the laws and *some* court decisions relevant to internal investigations. In addition, we viewed an introductory video tape that overviewed the Commission on Accreditation for Law Enforcement Agencies (CALEA), an internationally recognized agency that accredits law enforcement agencies' policies, procedures, and record keeping. We interviewed the Pismo Beach Chief of Police and the lieutenant in charge of implementing the CALEA program for the Pismo Beach Police Department. Additionally, we reviewed the CALEA website (<http://www.CALEA.org>), reviewed the CALEA program manuals, and observed how the Pismo Beach Police Department had organized their files to become accredited.

Narrative

This report is limited in scope to citizens' complaints and does not contain the internal affairs complaints initiated by an agency of its own personnel, although the process for both types of investigations is the same.

The Citizen Complaint Process

Any member of the public may file a citizen complaint against an officer. The process of filing a citizen complaint can be intimidating, particularly if the complaint is done in person at the law enforcement office. Most of the agencies we interviewed preferred to conduct an initial interview with individuals filing their complaint in person. Individuals making citizen complaints in person are not advised that they can stop the interview at any point and submit a written complaint.

Typical complaints include allegations of rude behavior, improper procedure, unprofessional conduct, harassment, negligence, false arrest, illegal entry/search, and use of excessive force. Potential criminal-level allegations such as the planting of

evidence, theft, or assault and battery are unusual, and, if found to be sustained, can be brought to the District Attorney for criminal prosecution.

The filing of a citizen complaint against an officer triggers an internal affairs investigation into the validity of the complaint and the conduct of the officer.

Generally, the citizen complaint process in all agencies follows these basic steps:

- Citizen complaints are accepted in person, by e-mail, fax, or in written form. A verbal complaint may be made by telephone. Even third person or anonymous complaints are accepted by most agencies.
- The complaint is initially reviewed by the respective city's chief of police or the county undersheriff. It is logged in and assigned a file number.
- The chief or the undersheriff assigns the complaint to a management level officer (captain or lieutenant), who in turn may assign it to a supervisory level officer (sergeant) for investigation. Assignments will vary depending on the nature of the allegation(s), complexity of the case and the department's written procedure.
- The investigation must be processed and completed as soon as possible. The written report of the investigation normally contains a listing of each allegation and details of the evidence applicable to each allegation, including tape recordings or comprehensive summaries of employee and witness statements, along with other documents or photos. Government Code Section 3304 (d) affirms that in order to impose discipline, the investigation of the allegation must be completed within one year.
- When the investigation is completed, the chief of police reviews the file and determines the final disposition. In the Sheriff's Department, the undersheriff may review the file and designate whether each allegation is sustained or not sustained; the sheriff then determines the disposition.

If an agency determines that there is a possible conflict of interest, they may ask another police department; the District Attorney; the Sheriff's Department; and/or the Federal Bureau of Investigation (FBI) to conduct an investigation.

All Police and Sheriff's Departments use the following four dispositions:

SUSTAINED – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

NOT SUSTAINED – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

EXONERATED – When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

UNFOUNDED – When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

- In sustained cases, disciplinary action may be imposed. Discipline may be informal, consisting of training, counseling or a letter of reprimand. Formal discipline consists of: suspension; demotion; reduction of pay; disciplinary transfer or termination; and requires due process, including an administrative appeal.
- At the end of the process, a letter is sent to the complainant stating the outcome.

Review of Citizen Complaint Investigation Files

The Grand Jury developed a file review form to collect the data necessary to evaluate the citizen complaint process, files and logs, and compliance with policies and procedures. We then completed a separate review of each of the files, using the form as a guide. The form contained the following questions:

- Is there a log?
- Is each complaint logged and does it have a file number?
- When was the complaint investigation initiated?
- When was the complaint investigation completed? Did it meet the one-year time limit? (The Grand Jury noted that all investigations we reviewed were completed within the one year time limit).
- Is there a signed complaint form?
- Is there a signed admonition form?
- What type of complaint (rude behavior, improper procedure, unprofessional conduct, harassment, negligence, false arrest, illegal entry/search and/or excessive force) was filed?
- What was the resolution or finding of those sustained?

- If the complaint was sustained and actions were taken, were they included in the officer's file? Verified?
- Were there any citizen complaint files missing? How many?
- Was there a written complaint on file for all logged complaints?

The following chart reflects the data we collected during our reviews of the agencies complaint files.

Citizen Complaint Log 1999 – 2003*								
Law Enforcement Agency	Number of Complaints	Complaints Logged	Missing Complaints	Signed Complaints	Signed Admonition	Complaints Sustained	Percent Sustained	Type of Complaint **
Arroyo Grande	9	9	0	9	9	2	22%	Rude and discourteous (5) Release of confidential information (1) Excessive force(3)
Atascadero	29	0	3	14	13	7	24%	Conduct unbecoming an officer(13)Failure to take action (2) Assault and Battery (1) Failure to follow department policy (8) Sexual harassment (2) Harassment (2) Rude and discourteous (8) Excessive force (9)
Grover Beach	12	12	0	11	8	1	8%	Failure to follow department policy (1) False arrest (1) False information (2) Rude and discourteous (3) Missing property (1) Harassment (2) Failure to take action (1) Excessive force (1)
Morro Bay	6	6	0	5	4	4	66%	Conduct unbecoming an officer (1) Rude and discourteous (5) Harassment (1) Sexual harassment (1) Failure to take action (2)
Pismo Beach	13	13	1	13	11	4	30%	Conduct unbecoming an officer (3) Rude and discourteous (7) Failure to follow department policy (1) Failure to take action (1) Unprofessional conduct (3) Harassment (2) Excessive force (5)
Paso Robles	10	10	0	8	5	3	30%	Failure to follow department policy (5) Rude and discourteous (1) Harassment (1) Sexual harassment (1) Unprofessional conduct (1) Assault and Battery (1)
San Luis Obispo	17	15	1	13	12	1	6%	Failure to follow department policy (1) Failure to take action (1) Harassment (1) Unprofessional conduct (1) Illegal search (3) Improper release of information (2) Excessive force (8)
Sheriff's Department	37	34	1	32	19	5	13%	Conduct unbecoming an officer (1) Failure to follow department policy (4) Rude and discourteous (12) False arrest (3) Unprofessional conduct (1) Harassment (3) Intimidation (1) Excessive force (12)

* Three Year data for Morro Bay and Paso Robles, all other agencies, five year data.

** Some Complaints had multiple allegations.

Procedures to Investigate Complaints

California Penal Code Section§ 832.5(a) states: “Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of those departments or agencies, and shall make a written description of the procedure available to the public.” The statute, however, leaves the details of the procedure to the law enforcement agency to define.

The seven city police agencies all utilize their respective city attorney or an outside legal firm to review their written policies and procedures and track any changes. The Sheriff’s Department follows a similar process with its policies and procedures. All law enforcement agencies indicated that they consider their practices to be satisfactory.

As noted earlier, the most comprehensive written procedures were those of the California Highway Patrol. Another good example was the City of San Luis Obispo which had a concise, comprehensive set of written procedures. However, when the Grand Jury compared actual practices of the agencies with their written procedures, we found that there were inconsistencies.

Admonition

California Penal Code Section §148.6(a) (1) states “Every person who files any allegation of misconduct against any peace officer defined in Chapter 4.5 of Title 3 of Part 2, knowing the allegation to be false is guilty of a misdemeanor,” it also states in Section §148.6(a) (2) “any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the advisory, all in boldface type.” This advisory is called an admonition. See Appendix B, Admonition, for wording.

California Penal Code Section§ 832.5(b) states: “Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years.”

All agencies had admonition forms missing, except for the Arroyo Grande Police Department.

There was a short period of time when some of the agencies removed the admonition from their citizen complaint form. The removal of the admonition was based on legal advice; as result of a court ruling that was later reversed. The admonition has since been put back on the forms.

Agency Compliance

The Grand Jury audited the files for compliance with Penal Code Section § 832.5 (b). We found four agencies had missing files. The logs and files maintained by the agencies ranged from incomplete in Atascadero to complete in Arroyo Grande. Atascadero did not have a citizen complaint log; the complaints were filed by year, not separated by individual case, and cases were mixed together. In addition, we found extraneous materials mixed with the case information.

All agencies we reviewed, except Atascadero, logged in their written complaints; however, all other types of complaints, such as in person or by telephone, were logged in at the discretion of the attending supervisor.

A preferred method would be to log in all types of complaints, even those that are resolved while at the law enforcement agency. Some agencies maintain logs to record every citizen complaint received by the agency, regardless of the method (in person, by telephone, by fax, etc.). Complaints against officers are also logged and tracked. It should be noted; some law enforcement agencies have been sued, and could not adequately defend themselves as a result of not keeping complete citizen complaint logs.

Findings

1. All seven police agencies and the Sheriff's Department provide complaint forms to individuals who request them.
2. The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.
3. If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later date.
4. The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish.

5. The Atascadero Police Department does not maintain a citizen complaint log.
6. Most agencies only log written complaints.
7. The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.
8. Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standards and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.
9. The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.
10. Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.

Conclusion

Our County law enforcement agencies meet the broad standard of the law; they have policies and procedures for handling citizen complaints. All eight agencies expressed that they are doing a good job in handling citizen complaints. As noted in our recommendations, the Grand Jury found that there are some improvements that should be made. Each agency said they took citizen complaints very seriously. They all conduct investigations when a written complaint is filed.

When individuals file a citizen complaint, the process can be intimidating; this may discourage them from filing. Discussing and explaining why they have a grievance to the law enforcement authority is also intimidating.

Although it is best to complain directly to the law enforcement agency involved, there are alternatives. Individuals can complain to the governing board of the agency, for example the city council or board of supervisors, or they can complain to the mayor, the District Attorney, or the State Attorney General.

Recommendations

1. The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1, 2, and 3)
2. A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1, 2, and 3)
3. Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3)
4. Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3)
5. The citizen complaint form should be made available in English and Spanish. (Finding 4)
6. All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 and 7)
7. Complaints that are resolved at the agency station should be kept in a separate log which may include:
 - an identifier,
 - a date,
 - the complainant's name,
 - the allegation,
 - a summary of the complaint,
 - the name of the officer involved, and
 - the name of the officer who resolved the complaint.(Findings 6 and 7)
8. An individual file should be kept for each complaint. It should contain a Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. (Finding 7)
9. A monitoring system should be used to track complaints against specific officers. (Finding 7)

10. Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or “The 24 Hours Internal Affairs (BASIC) Course”. (Finding 8)
11. All seven city police agencies and the Sheriff’s Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9)
12. The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizens complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10)
13. The Atascadero Police Department should maintain a citizen complaint log. (Finding 5)

Required Responses

Note: Respondents need to address findings and recommendations only as they apply to their agency.

Pursuant to the California Penal Code, the following agencies are required to respond to the findings and recommendations in this report:

Police Department – City of Arroyo Grande by August 30, 2005

City Manager - City of Arroyo Grande by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Police Department-City of Atascadero by August 30, 2005

City Manager - City of Atascadero by September 30, 2005

(Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13)

Police Department-City of Grover Beach by August 30, 2005

City Manager - City of Grover Beach by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Police Department-City of Morro Bay by August 30, 2005

Mayor-City of Morro Bay by September 30, 2005

(Findings 1, 2, 3, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12)

Police Department-City of Pismo Beach by August 30, 2005

City Manager - City of Pismo Beach by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Police Department-City of Paso Robles by August 30, 2005

City Manager - City of Paso Robles by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Police Department-City of San Luis Obispo by August 30, 2005

Mayor - City of San Luis Obispo by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Sheriff's Department-County of San Luis Obispo by August 30, 2005

Board of Supervisors - County of San Luis Obispo by September 30, 2005

(Findings 1, 2, 3, 4, 6, 7, 8, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12)

Appendix A

Disposition Action Memorandum

Control Number: _____

Officer Involved: _____

Complaint: _____

Complaint By: _____ Date: _____

Date Completed: _____ Date Letter Sent To Complainant: _____

II

() **UNFOUNDED:** Investigation indicates act(s) did not occur or did not involve department personnel.

() **EXONERATED:** Acts did occur, but were justified, lawful and/or proper.

() **NOT SUSTAINED:** Evidence insufficient to clearly prove or disprove allegations.

() **SUSTAINED:** Evidence sufficient to clearly prove allegations.

III

Recommended Action

Action Taken

()	None	()
()	Counseled/Oral Reprimand	()
()	Training	()
()	Written Reprimand	()
()	Suspension from Duty – Number of Days: _____	()
()	Demotion	()
()	Termination	()
()	Reopened /Placed in Personnel File	()

ACTION RECOMMENDED BY: _____ Date: _____

ACTION APPROVED BY: _____ Date: _____

Appendix B- Admonition Statement

“YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS.

YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT.”

San Luis Obispo County

Jails and Holding Cells

There are nine law enforcement agencies within the County of San Luis Obispo. Eight agencies come under the purview and oversight of the Grand Jury; they are comprised of seven city police jail holding cells and the county jail. The California Highway Patrol is the other law enforcement agency, and because it is a state agency, it does not come under the Grand Jury purview. This report covers the following: 1) the seven city police jail holding cells, 2) the San Luis Obispo County jail, 3) court holding cells, and Atascadero State Hospital (ASH).

Method

Members of the Grand Jury toured and inspected all seven city police jail holding cells (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, San Luis Obispo county jail, and the county court holding cells). In addition, we conducted follow up interviews with the Sheriff, the Sheriff's Chief in charge of the county jail, correctional officers, the Court Administrative Officer and the County Administrative Officer. The Grand Jury also reviewed policy and procedures manuals of all nine law enforcement agencies, including the California Highway Patrol, statistical data from the Sheriff's Department, and the Board of Corrections Biennial Report. In addition, members of the Grand Jury toured the Atascadero State Hospital facility and interviewed the management staff.

Narrative

The number of holding cells for each of the seven cities ranges from two to three. The cells are used primarily to hold individuals for processing for a maximum of six hours. Once individuals are processed, they are transported to the county jail to complete the booking process. Many offenders never see the city holding cells as they are taken directly to the county jail for processing and booking.

All the cells we inspected were well maintained and clean. Atascadero had one cell which had water on the floor from a plumbing leak. The leak had not been repaired when it was inspected three days later.

The County Jail

The County jail, for the purpose of this report, will be divided into three parts: 1) the women's and men's sections, 2) the honor farm, and 3) the court holding cell area.

The main jail is an old facility, which is well maintained, however, at times overcrowded. The California Board of Corrections (BOC) conducts biennial inspections of the jail, in accordance with Penal Code §6031. The approved BOC, Board Rated Capacity (BRC), for the jail is 516 (beds), the actual capacity is 685, of which 74 are for women.

Women's Section

There are currently 74 beds in the women's section. The cells and dormitory units we observed were overcrowded. The single cells contained two beds and some inmates were required to sleep on mattresses placed on the floor. The table below shows the approved BOC rated capacity for inmates and the actual in use capacity:

The approved BOC rated capacity is 41 inmates	The actual in use capacity is 74.
Maximum security BOC capacity is 21 inmates	The actual in use capacity is 36
Medium security BOC capacity is 10 inmates	The actual in use capacity is 20
Minimum security BOC capacity is 10 inmates	The actual in use capacity is 18

Sleeping on the Floor

The table below shows a sample of the number of women sleeping on the floor during the months of October and November 2004.

Date	10-2	10-9	10-16	10-23	10-30	11-6	11-13	11-19
Number of inmates	6	11	16	13	8	6	2	6

The February, 2004, BOC inspection of the jail found the women's jail facilities, including the female single cells, dorm and honor farm "...continue to remain out of compliance with

Title 24, Physical Plant Requirement regulations due to the beds placed in these areas” (BOC letter to the Sheriff, dated February 26, 2004). This finding was also reported in the 2001 BOC inspection. Previous Grand Jury reports have recommended that this problem be addressed.

According to the Sheriff's Department, funds for expansion of the women's facilities have been requested through the County's Capital Improvement Project process each year since fiscal year 1990/91. The county budget office confirmed that expansion of the women's jail is included in a master plan for continued development of the county jail, and that \$694,000 was included in the 1999/2000 budget for design work on the project.

Studies have been conducted for the expansion of the women's section; however at the time of this report there is still no plan to move forward with construction. The cost of this construction is currently beyond the resources to which the county is willing to commit. The last expansion of the county jail was financed with state bonds.

Men's Section

The men's section of the county jail is significantly larger, and at times, shares similar overcrowding problems.

Honor Farm

The Honor Farm is located on county property near the county jail. Honor Farm inmates are housed in former military barracks, which are surrounded by security fencing. To participate in the Honor Farm program an inmate must demonstrate good behavior, be non-violent, and be not considered an escape risk. The inmates perform the following services:

- A. prepares and cooks meals for the jail.
- B. does the laundry.
- C. plant and maintain a small vegetable garden. The vegetables are used in the food preparation.
- D. repair and recondition used bicycles. The bikes are given to needy children at Christmas.
- E. makes items in the metal shop for use by the Sheriff's Department. When we toured this shop, inmates were making racks for the animal shelter.

F. makes items in the woodshop for use by the Sheriff's Department.

G. provides help for the county animal shelter.

Mental Health

An increasing number of the jail inmate population is in need of mental health services. The Sheriff's Department reports the County Mental Health staff estimates that 30 percent of the inmates are receiving medication or counseling for mental health issues. To address these issues, the Sheriff's Department is partially funding a mental health therapist located at the jail. The department also reports that, in conjunction with the Mental Health Department, it has initiated a program that provides inmates with a ten-day supply of medication upon their release from the jail. In addition, the Sheriff's Department is active in the county's Homeless Task Force, which is seeking to address the problem within current systems, rather than create additional organizational overhead and expense.

Medical Facilities/Care

The jail has a medical clinic and a pharmacy. Medical staff is on duty twenty-four hours a day. If a medical problem is beyond the capacity of the internal clinic to provide the required medical treatment, the inmate, is taken to an outside medical facility for appropriate care.

Court Holding Facility

The court holding cells are located in the county courthouse.

The Board of Corrections reports the following:

"The San Luis Obispo Superior Court Holding Facility was inspected on February 11, 2004. The holding capacity for the facility is currently 35; on the day of the inspection, we were informed that the total court population for the day was 94.

Past inspections have noted that the Court Holding Facility is perpetually out of compliance for Title 24 Physical Plant requirements due to the lack of holding space for prisoners; this inspection is no exception. In addition to sheer volume, the facility also holds a number of differently classified

inmates on any given day, yet space constraints do not allow for adequate segregation. On the day of the inspection, prisoners from the Atascadero State Hospital (ASH) were being transported out of the facility. According to staff, while being held in the facility, these inmates remained outside of the holding cells, seated on milk crates, which were located across from the control room, between the holding cells and the main route of ingress/egress from the facility”.

Grand Jury note: The issue of seating has been corrected. The holding cell area now has benches with shackles for additional inmate seating.

“In addition to Atascadero State Hospital (ASH) patients, the facility also holds California Department of Corrections prisoners, California Youth Authority wards, juvenile hall minors, various local police department prisoners, and remands inmates alone, and is virtually impossible when the facility is holding outside agencies' prisoners. Oftentimes, staff must hold prisoners in restraints outside of holding cells, such as the situation described above. Due to requirements for separation, minors are usually held in attorney visitation rooms, rendering that space unavailable for its intended use. A review of annual inmate movement revealed that in January 2004, the lowest number of inmates held at the facility on one day was 39, while the highest was 100. During the first half of February, the lowest number was 50, while the greatest was 94. Data from 2003 reveals similar numbers.

This facility continues to operate outside the range of safety and security for its size and configuration. While staff is limited in their ability to segregate due to classification, they also may experience restricted sight into the four holding cells due to volume. Sheer volume and lack of appropriate segregation space continue to place this facility at risk for both safety and security. While working within the constraints of this facility, staff is to be commended for operating the facility to the best of their abilities; staff continues to provide detailed documentation of activities and population”.

Members of The Grand Jury visited the court holding area on October 19, 2004, at 8:30 A.M. It was necessary for the Grand Jury to wait for entry approval into the holding area because it was deemed unsafe by the Sheriff's Department. At the time of our visit there were 82 inmates in an area that has a rated capacity of 35. The correctional officers had to move a large number of inmates to the courtrooms so that we could inspect the area. There were more inmates, who were being held in a van until we completed our inspection.

Our visit of the holding area confirmed the information contained in the February 11, 2004, BOC report. In addition, during our tour and interviews, we were informed that the overcrowded court holding cells do not have the capacity to hold the prisoner population expected as a result of the county's population growth and other contributing variables. We fully agree that the court holding area is operating outside the range of safety and security.

Atascadero State Hospital (ASH)

During our tour and interviews at ASH, we learned that there are approximately 1800 ASH patients transported, from the hospital to the courthouse each year, by unarmed officers. When they arrive, they are held in the holding cells for hours prior to a court appearance, which typically lasts a few minutes. Exposure to other prisoners can also impact the security and safety of the guards and staff in the holding cell area.

In addition, when the new facility in Coalinga opens to house the sexually violent predators currently held in ASH, this patient population will be replaced by other types of mental patients. **Note:** Sexually violent predators infrequently appear in courts, while the other patients appear in court approximately every nine months. Therefore, with this increase in inmate population, there will be an increase in the number of prisoners/patients requiring court hearings and an increase in the number of prisoners/patients in the court holding cell area.

ASH currently uses video conferencing equipment and rooms to hold hearings with other counties, but not San Luis Obispo. In addition, there are rooms at ASH that can easily be converted into court rooms. The Grand Jury believes that utilizing the available rooms for

courts and utilizing video conferencing can be a winning situation for ASH, ASH patients, the court, the Sheriff's Department, the prisoner population and the public.

There are many benefits to the public and to the patients of ASH, for setting up court facilities at ASH. Significant benefits include:

1. substantial cost reductions for transporting ASH prisoners/patients from ASH to the courthouse in San Luis Obispo,
2. reduced security and safety risks for the guards and prisoners/patients when being transported,
3. ASH prisoner/patient treatment programs would not be interrupted. It also reduces the risk of their becoming agitated when they are shackled and transported, thus setting back their progress and,
4. alleviating some of the overcrowding in the holding cells at the courthouse.

Findings

1. Upon re-inspection three days later, the water leak in the Atascadero Police Department holding cell had not been repaired.
2. The 1999/2000 county budget allocated \$694,000 for design work for the addition to the women's section of the county jail. This allocation did not provide any funds for construction.
3. The number of inmates using the County Court holding facility exceeds rated capacity.
4. The size of the holding cell is insufficient for current use.
5. The problem of overcrowding in the County Court holding facility creates high security and safety risks.
6. The court does not want to improve the holding cells until the new courthouse is constructed. However, the existing courtrooms are being used until phases two and three of the new courthouse is completed in the future. (It will be at least five years or more before a new courthouse is constructed, predicated on the allocation of funds in a proposed bond issue).

7. Atascadero State Mental Hospital may be willing to provide courtroom facilities at the hospital for their patients. If these facilities were on the hospital site, this would significantly decrease the number of inmates being held at the court holding facility.
8. In 2005, ASH is anticipating that they will have an increased population of 600 mental patients when the sexual predators currently at the hospital are moved to another facility. This means that the county court will see an increase of 600 cases coming to the holding cell area.
9. The Sheriff's Department transports over 14,000 inmates a year from the jail to the county courthouse.
10. The courts are willing to share the cost of video conferencing with the Sheriff's Department.

Recommendations

1. The Atascadero City Police Department should repair the leak in one of its cells in a timely manner. (Finding 1)
2. The County should approve and fund construction for increasing the women's section facilities. (Finding 2)
3. Video conferencing equipment should be installed at the county courthouse and be connected to the county jail and ASH. (Findings 3, 5, 7, 8 and 9)
4. The Atascadero State Hospital (ASH) patients should not be moved to the courthouse. There should be courtrooms at the hospital. (Findings 3, 5, 7 and 8)
5. A satellite facility with two courtrooms should be located at the county jail, or on county land adjacent to the jail. (Findings 3 ,5, 9 and 10)
6. When the current county occupants move out of the present courthouse to the new building, consideration should be given to an expansion of the court holding area. (Findings 3, 4, 5, 6, 9 and 10)
7. There are near-term solutions that can be instituted, such as utilizing the space available at ASH for courtrooms and the construction of satellite courtrooms located adjacent to the county jail. ASH is currently utilizing video conferencing with other counties in the State. (Findings 3, 4, 5, 6, and 7)
8. Video conferencing should be implemented between the county courthouse, ASH, and the county jail. (Findings 4, 7, 8 and 9)

9. ASH should take the lead in coordinating with the Sheriff's Department, the court, the District Attorney's Office, and the County Administrator's Office the utilization of courtrooms available at ASH. (Findings 7, 8 and 9)

Conclusion

The Sheriff's Department has old facilities that were designed when the county was less populated. Every year the number of individuals processed and incarcerated increases. In the last five years the jail has seen an increase of over two thousand people. It is time for action on the women's jail facilities. The court holding cell problem has consistently been noted by the Board of Corrections and past Grand Jury Reports.

Does it take additional serious incidents before something is done to alleviate the problems? Near term, cost effective solutions, recommended herein, are available to implement.

Required Responses

Pursuant to the California Penal Code §933 (c) and § 933.05 (a) (b). The following agencies are required to respond to the findings and recommendations in this report:

1. **The San Luis Obispo County Sheriff's Department** (Findings 3, 4, 5, 9, and 10) (Recommendations 1, 2, 3, 4, 5, 6, 8, and 9). Due July 15, 2005
2. **The Atascadero City Police Department** (Finding 1)(Recommendation 1). Due July 15, 2005
3. **Atascadero State Hospital**(Findings 7 and 8)(Recommendations 3, 4, 7, 8, and 9). Due July 15, 2005
4. **The San Luis Obispo County Board of Supervisors** (Findings 2, 3, and 6) (Recommendations 2, 3, 4, 5, 6, 7, 8, and 9). Due August 19, 2005

Juvenile Hall

On November 22, 2004, members of the Grand Jury toured the Juvenile Hall. Juvenile Hall is in the Juvenile Service Center which is located on Highway 1, just north of the city limits of San Luis Obispo. The facility is under the direction of the Chief Probation Officer for the County of San Luis Obispo.

The mission of the Juvenile Hall is to help youth offenders become law abiding, healthy, productive citizens. Posters throughout the facility remind the youths to “Stop, It Is Your Choice.”

Method

The information contained in this report was obtained through visits to the Juvenile Hall, Juvenile Court, interviews with the judge of Juvenile Court, and correctional officers and staff.

Narrative

The Juvenile Hall houses youth offenders that may be a danger to the public or to themselves. We were informed that 97% of the youth offenders in Juvenile Hall are detained because of substance abuses such as drugs and alcohol. Sixty days is the average length of time a youth offender is held at the facility, however, they can be there as long as a year. Currently, there is a 12% recidivism (return) rate. The posters titled, “Stop, It Is Your Choice”, placed throughout the facility are to remind individuals to stop and think of the consequences of their actions.

Housing

The Juvenile Hall facility has the capacity to house 45, and as of November 22, 2004 had 41 occupants. Within the next two years, 20 beds will be added. There are three units at Juvenile Hall, the East unit which houses males (primarily ages 13-15 years) and females (ages range from 12-18), the West unit which houses only older males who are the more serious offenders, and the Center unit which is primarily used for housing only of older

males ages 14-18. There are five levels of assessments for the youths being held at Juvenile Hall.

The lower level cells are single occupancy; the upper level cells are double occupancy. All cells are clean and well maintained. The facility has recently installed beds and door knobs with a safer design in order to help prevent suicide attempts. They are now in the process of upgrading the bathrooms to also aid in preventing suicide attempts. Restrooms and shower stalls were clean and well maintained. During our tour, we were informed that all youth detainees, while in their cells are monitored every 15 minutes or more frequently if suicidal.

Education and Recreation

Youth offenders housed at the facility must attend six hours of school a day. School programs are developed and delivered for each youth's individual learning needs, including one currently being administered in Spanish. Two credentialed teachers monitor the learning environment and individuals as they study and complete assignments.

"The Healing Touch" program is intended to help youth detainees become law abiding, healthy, productive citizens. In this program, dogs from the animal shelter are brought in to the facility every Tuesday and Friday for the program participants to learn how to provide the dogs with obedience training. Through this experience, youth offenders learn how to care for others and gain self esteem and confidence in themselves. There is time each day for recreation activities. There are several sports areas outdoors. The yards are clean and well maintained.

Medical

A nurse practitioner performs an entry exam on all juveniles within four days of their being sent to the facility. Nursing staff and mental health therapists at the facility attend to the medical and mental health needs of the detainees. A pediatrician is on call when needed and psychiatrists visit the facility twice a week to perform medi-evaluations. While sick call is provided every day, the youth detainees are provided with medical/mental health request forms on a 24hour/7day basis. Once a form is completed by a youth, the nurse is

called to review the request and to provide the appropriate medical/mental attention. Medications are monitored monthly for expiration. We verified that the medications were monitored and that there were none with expired dates in the cabinet.

Conclusion

The Juvenile Hall is a small facility that is well maintained. Steps are being taken to improve the housing cells and treatment programs for those who are in need.

Required Responses

This is an informational report. No formal response is required.

San Luis Obispo County Department of General Services

Parks Division

“Out on a Dead Limb”

This is a report about the goals of the County Parks Division and the challenges it faces in delivering a quality outdoor experience to the growing number of visitors to, and residents of, San Luis Obispo County. The report outlines the department's mission, organization, responsibilities, and risks associated with current budget constraints. The operations budget and staffing levels of the Parks Division have not kept pace with parks growth and increased operating costs during the last five years. If this trend continues, it is likely that there will be continued deterioration of park lands and existing facilities and a risk of reduced community satisfaction and public safety. This is an accident waiting to happen that could be prevented with adequate maintenance funding. The county's park growth has not kept pace with increased population, and it seems foolhardy to take on additional parks acreage without a change in the allocation of county funds.

Origin

The Grand Jury initiated this report because jurors have witnessed, over time, deterioration in the level of landscape maintenance, trail conditions, picnic and campground furniture, fixtures, equipment and facilities throughout the county parks system.

Method

The information in this report was gathered by the Grand Jury from the San Luis Obispo County Parks web page (www.SLOCountyParks.org), County Parks Newsletter, Parks Policies and Procedures Manual, County Position Allocation Report, and Fiscal Year 2004/2005 County Budget Goals Report. Interviews were conducted with the Director of General Services, Parks Manager, Parks Superintendent of Maintenance, and Chairperson of the County Parks Commission. Members of the Grand Jury also visited various community and regional county parks.

Narrative

San Luis Obispo County Parks is a Division of the General Services Department. Their published mission is: “To ensure personal enrichment of the County’s residents and visitors while protecting its natural, cultural, and historical resources.”

Parks Commissioners are an advisory group of volunteers who provide a link between the Parks staff, members of the County Board of Supervisors and the public. One volunteer is appointed by each member of the Board of Supervisors. Commissioners provide perspective on behalf of their respective district. They can be reached by e-mail on the county parks web page.

Since 1970, our county’s population grew 140% from 105,000 to 253,000, while parkland and publicly accessible open space acreage grew by only 12%. There are currently 13,000 acres of improved and passive park land managed by the County Parks Division. They also manage and maintain seven regional parks that provide day use and fee-based overnight camping. Many of these large parks provide abundant open space, hiking trails, bike paths, tennis courts, children’s play areas, fresh water streams, large lakes, boating, fishing, individual and group picnic sites, off-leash pet areas, botanical gardens and wildlife refuges. SLO County Parks owns or operates eleven neighborhood and community parks. These offer green spaces, community gardens, ocean shoreline accesses, fresh water streams, bike paths and numerous developed facilities, including children’s play areas, swimming pools, tennis courts, ball fields, basketball courts and day use picnic sites.

The Mariposa, a newsletter published a few times per year, contains information about changes, additions and improvements in the parks system, recreation activity schedules, safety tips and parks phone numbers. It has limited distribution at parks facilities and the county parks web page.

The Parks Division offers volunteer opportunities in trail building, litter pickup, erosion control, tree planting, and administrative help. An Adopt-a-Park program also exists that encourages individuals and groups to adopt and help improve any facility or feature, including trails, beaches, landscaped areas or play areas and pools. The Legacy program offers a variety of ways for individuals or corporations to provide an endowment, financial sponsorship or gift to improve the county parks system. Volunteer and private financial

participation is a win-win situation for the parks and visitors. While it is critical to the success of the parks system, it is not well publicized.

Ten years ago the Parks Division received 1.3% of the county General Fund budget. Today, they receive 0.8%. During the last five years, the Division staff has grown from 36 to 38.5 permanent employees, but only at the expense of an equivalent reduction in seasonal help. At the same time, due to park expansion, the staff workload has increased 30%. The Parks Division budget, which is funded by park fees (55%) and the General Fund (45%), has remained relatively flat for the same time period. Historically, the General Fund contribution was 50%, so park fees must cover a larger portion of the expenditures than in the past. The Division's fiscal woes are exacerbated by unprecedented increases in workers compensation rates, liability insurance rates, and costs of fuel and parks maintenance supplies. This year's fee increases will not offset the General Fund shortfall and increased expenses. According to the Parks Manager, county parks and facilities will suffer from a series of public service and maintenance cuts. The documented cuts and maintenance deferrals include:

1. Funding for tree pruning is provided only for emergencies.
2. Turf fertilizing and landscape rehabilitation have already been reduced.
3. The use of herbicides has been curtailed due to budget constraints.
4. Seasonal help during the peak summer period will be reduced.
5. Numerous small projects and less essential maintenance have been deferred.
6. Purchases of replacement maintenance equipment have been deferred.
7. Repair of trails and shoreline accesses will be reduced.
8. Repair or replacement of deteriorating picnic and campsite furniture has been deferred.

The Parks Manager believes that if budget and staffing levels do not keep pace with planned parks growth and increased operating costs, there will be continued deterioration of park lands, improvements and facilities, as well as reduced public safety. An example of this is a recent \$35,000 claim settlement at Cuesta Park for an injury due to inadequate trail maintenance.

Findings

1. Expansion of parks acreage and additional facilities, with limited additional permanent staff, has resulted in a workload increase of 30% during the last five years.
2. Due to budget restrictions, the Parks Division has chosen to reduce seasonal help during the peak summer period.
3. The Parks Division doesn't make the public fully aware that they welcome private financial support and volunteers in a variety of activities throughout the parks system.
4. The Mariposa, the Parks Division informative newsletter, has a limited distribution.
5. As a result of limited additional staff, reductions in seasonal labor and a cutback of supplies, low profile maintenance projects, such as repair of trails and shoreline accesses, fencing, landscape rehabilitation, and skate park facilities, will be reduced or eliminated.
6. Funding for tree pruning is only provided under emergency conditions.
7. Over time, deferred maintenance weakens the health of mature trees and increases the risk to public safety due to dead and dying standing trees.
8. Turf fertilizing and landscape rehabilitation have been reduced. The result is less turf vigor, poorer appearance and greater influx of broadleaf weeds.
9. Purchases of replacement maintenance equipment have been deferred, increasing equipment downtime.
10. Replacement of deteriorating picnic and campsite furniture has been deferred.
11. There is a greater potential for reduced public safety throughout the parks system.

Recommendations

1. Curtail new parks and facility expansion in the county until the manpower and operating budget are in line with the workload. (re: Finding # 1,2,,5,6,7,8,9,10)
2. Create a greater public awareness of the programs that encourage individual and group volunteers to do routine maintenance: repair trails, shoreline accesses, and fencing; paint; removal of trash, dead vegetation, and weeds. (re: Finding # 3)
3. Recruit more volunteers and docents to assume interpretive presentation roles in regional parks. (re: Finding # 3)
4. Encourage greater involvement from the private sector in providing lasting endowments in the form of funds, land and other resources. (re: Finding # 3)

5. Provide copies of The Mariposa to the Chambers of Commerce, county information desks, retail stores, schools and high traffic organizations for public distribution. (re: Finding # 4)
6. Remove all unsafe deteriorating picnic and campsite furniture, thus reducing the threat to public safety. (re: Finding # 10)
7. Reassess the deferral of all maintenance projects that may endanger public safety. (re: Finding # 5,6,7,10,11)

Conclusions

The operations budget and staffing levels of the Parks Division have not kept pace with parks growth and increased operating costs during the last five years. If this trend continues, it is likely that there will be continued deterioration of park lands and existing facilities and a risk of reduced community satisfaction and public safety. This is an accident waiting to happen that could be prevented with adequate maintenance funding. The county's park growth has not kept pace with increased population, and it seems foolhardy to take on additional parks acreage without a change in the allocation of county funds.

Required Response

Parks Division, Department of General Services: Findings # 1 through # 11 due June 30, 2005 and Recommendation #2 through #7 due July 15, 2005

Board of Supervisors and County Administrative Officer: Recommendation # 1 due August 19, 2005

Paso Robles Housing Authority and Community Involvement

The United States Housing Act of 1937 provides federal financial and technical assistance to communities in their efforts to have “decent, safe and sanitary dwellings” for families in low- income groups. The State of California, in 1938, enacted the Housing Authorities Law that enabled local governments to provide this type of housing program, which placed the major part of the work involved on the shoulders of the local housing authority. The federal government is the primary source of funding. The State of California does not give any funding to the Paso Robles Housing Authority (PRHA). Rental income from tenants helps to defray additional costs to operate the facility. Additionally, grant monies have been acquired for special projects. Consequently, it is up to PRHA (also known as the *Oak Park* Housing) to provide housing facilities. In addition, it sets rent scales in accordance with lawful rental rates in the community, selects eligible families in accordance with the federal guidelines, and provides for the maintenance and management of the entire operation.

Origin

The Grand Jury decided to look into the PRHA on its own initiative. We were also motivated by community perception and concern, and by the national media coverage in September 2004, regarding the New Jersey Housing Authority. The report alleged that the Newark, New Jersey Housing Authority misappropriated funds by its mismanagement of purchases and maintenance monies and the lack of adherence to housing authority procedures as designated by law that resulted in the sub-standard and dangerous living conditions for its tenants.

Method

Before embarking on this inquiry, the Grand Jury first identified these objectives:

Learn about the federal, state, and local laws that govern the PRHA and its impact on the management of the housing facility.

Ascertain the procedure for tenant selection.

Determine if major appliances are provided by PRHA, how repair requests are processed, and who approves the replacement of appliances.

Determine financial responsibilities and accountabilities of management.

Determine whether the housing needs of tenants (to have decent, safe, and sanitary dwellings) are being met by PRHA.

The Grand Jury reviewed the United States Housing Act and the California Health and Safety Code, Division 24 Part 2. We then contacted the Executive Director of PRHA in order to request and review the following documents:

- PRHA audit report
- Housing Commissioners Handbook
- Organizational charts, and budgets
- Criteria for tenant selection
- Policy statements and
- Community service requirements.

In addition, the Grand Jury interviewed the Executive Director and spoke with other key staff members. We also toured the facility and looked at two vacant apartments.

Narrative

PRHA is on federal land in Paso Robles. The U.S. military built 150 family housing units in 1941, shortly before World War II for military personnel who operated Camp Roberts and for their families. With the enactment of the federal and state Housing Authority legislation, the City of Paso Robles took advantage of the unoccupied military housing apartments by applying to the federal government to use the units for housing families in low-income groups. The PRHA occupies twenty-eight acres of federal land that is not fenced. For the purpose of this report, *Oak Park* refers only to the 148 housing units bounded by Park Street, the railroad tracks, 28th and 34th Streets.

Safety

The Executive Director started working for the Housing Authority in 1978. *Oak Park* and its neighboring community was considered a *subculture* section of northern Paso Robles, where rival gangs disseminated a *culture of fear*, and where police did not respond immediately to reports of crime. Some people today still apply the name *Oak Park* to the community north of 24th Street. In 1988 the City and PRHA recognized the need to rid the area of its resident gangs and collaborated to obtain a federal grant to fund two policemen

who would be stationed on the premises of the Housing Authority. They would patrol the 35-block area from 24th Street north to the city limits and west from the railroad track. This patrolling is called Community Oriented Policing (COP). As the incidence of crime decreased, one police officer has been sufficient.

The Grand Jury learned from the Executive Director that COP fosters community service and cooperation between residents and police to address crime and social problems. Some tenants of *Oak Park* have become the “eyes and ears” of PRHA and law enforcement. Separate interviews with the Executive Director of PRHA and the Chief of Police of Paso Robles Police Department (PRPD) indicated that both agree that the *culture of fear* no longer exists. Although there is still a presence of gang activity, the Police Chief feels “that a status quo has been maintained.” Largely as a result of outsiders, *Oak Park* had acquired a reputation as a “high crime area.” The posting of “NO TRESPASSING” signs and police presence in *Oak Park* has been and is a deterrent to illicit activity.

Since 2002 the PRPD has reported crime statistics by reporting districts. The city is divided into 32 districts. Three reporting districts (RD1, RD2, and RD3) cover *Oak Park* and surrounding districts. Felony (serious) crime statistics for the three reporting districts and the City of Paso Robles, are outlined in the table below.

Felony Arrests by Year

Reporting District	2002	2003	2004	% Change 02-04
RD1	85	84	53	-38
RD2	73	69	58	-21
RD3	105	77	60	-43
Totals for RD 1, 2, & 3	263	230	171	-35
Paso Robles All Districts	956	1032	777	-19

As the table indicates, there is a reduction of serious crime in the area in and surrounding *Oak Park*, by 35% compared to a reduction of 19 % for the entire city. Both the Executive Director of PRHA and the Chief of Police of PRPD attribute the reduction in crime in the area of *Oak Park* to the Community Oriented Policing.

Facilities

The PRHA has a total of 148 apartments. There are 18 one-bedroom units, 88 two-bedroom units, 40 three-bedroom units, and 2 four-bedroom units. The City of Paso Robles and PRHA administer the funds provided by the federal government. The Executive Director, PRHA administrative and maintenance staff, and the Housing Commissioners manage the day-to-day functions of the housing complex. There are seven members of the Housing Commission who are appointed by the Mayor. Two of the Commissioners are tenants who live in *Oak Park* and five are from the community at large.

Demographics

The Executive Director of PRHA reported to the Grand Jury that in 1978 *Oak Park's* tenants were 30% Hispanic. They worked in farms, factories, and service oriented places such as hotels, restaurants, building maintenance, and gas service stations. Some tenants are undocumented, however, if a family member in the household was born in the United States, it is permissible to provide family housing. The tenants of Oak Park today are 90% Hispanic. In the 2000 U.S. Census, Paso Robles' total population is 24,297, of which 6,735 (27%) are Hispanics. The U.S Census also indicate that "people who identify their origin as Spanish, Hispanic or Latino may be of any race. Thus the percent Hispanic should not be added to the percentages for racial categories.

Vacancies

Openings for housing are infrequent due to the low turnover of tenants. As of January 2005, there were 91 applicants on the new waiting list. When two, three, or four bedroom apartments become available, tenants already residing in the housing authority facility get first opportunity to move in, based upon the size of the family and their need for more bedrooms and living space. This practice ensures that the tenants are provided a "decent, safe, and sanitary dwelling" as mandated in the California Health and Safety Code Section 34200-34219, the law that governs tenant occupancy. Consequently, new tenant applications for a two, three, or four bedroom apartments are placed on the waiting list because there are already in-house tenants waiting for the vacated apartments.

OAK PARK HOUSING VACANCIES AND REASONS

YEAR	NUMBER OF VACANCIES	REASON
July 2001 to June 2002	19	8 – evictions
		7 - moved to other housing
		2 - purchased own homes
		2 - transfer to other PRHA unit
July 2002 to June 2003	9	5 - moved to other housing
		4 - transf to other PRHA unit
July 2003 to June 2004	15	1 – eviction
		2 - purchased own home
		7 - transfer to other PRHA unit
		5 – moved to other housing

New tenant applications indicating a severe need such as physical disabilities, multiple family members, low income or homelessness may be given priority over other applicants that do not present such problems. These are the exceptions within federal law regarding tenant selection.

The Grand Jury noted that the *Criteria for Tenant Selection* is posted on a bulletin board in the waiting room in the administrative office of PRHA. The Housing Authority staff was open and informed about the criteria and other related procedures. In addition we also noted that the Executive Director, other staff member, and the police officer are bilingual.

Maintenance

All tenant repair requests are forwarded to the PRHA maintenance staff person who is available twenty-four hours a day, seven days a week. The Executive Director who is on call reviews and approves repair requests. The Grand Jury, on its visit to the facility, noted that repair tools and expendable supplies were stored in a large unsecured building adjacent to the PRHA administrative office. Replacement appliances such as refrigerators and stoves

were stored in a secure area, which is accessible only by approval of the Executive Director.

Federal and state laws regulate the PRHA income, both rental and government allocated funds. Repair expenditures, maintenance costs, appliance replacement control, and the collection of rent money is explicitly documented, and subject to review by city, and federal auditors. During the Grand Jury inquiry and site visit, federal auditors were on the premises of the PRHA reviewing financial documents.

PRHA and Community Relationships

The Grand Jury learned that PRHA provides additional services to its tenants and to the residents of privately owned apartments and homes in the neighboring area. The provision of these additional services has provided a very positive contribution to the community.

A youth services center provides after school activities, snacks, computers, games, and special events such as costume contests for Halloween, athletic meets, and barbecue socials for up to 100 area children.

An adult and child services building provides residents access to programs such as EOC, health and dental services, legal services, immigration assistance, and young men's interests programs.

A PRHA-based community police officer helps reduce criminal activity as well as facilitates better communication between law enforcement and community members.

PRHA and the City of Paso Robles share expenses such as the maintenance and utilities for the community recreation center in *Oak Park* and the cost for policing the area.

Finding

Repair tools and expendable supplies were stored in a large unsecured building that is visible and accessible to anyone.

Recommendation

All repair tools and expendable supplies should be stored in a secured building.

Conclusion

The Grand Jury found that the tenants' need "to have decent, safe, and sanitary dwelling" are being upheld based on its observation of the repair and maintenance work performed in the vacated apartments and a review of the laws regulating housing authorities that is being implemented by PRHA management. Additionally, we observed that *Oak Park* tenants exhibited a friendly and relaxed demeanor when they entered the administrative offices of PRHA or when they related with the Executive Director. It was apparent at our two visits to *Oak Park* that a mutual respect for the tenant and staff of PRHA existed.

Required Response

Pursuant to the California Penal Code, the following agencies are required to respond to the findings and recommendations in this report:

Finding and recommendation by the Executive director, Paso Robles Housing Authority
due August 31, 2005

Findings and recommendations by the Mayor, Paso Robles, by September 30, 2005

City of Pismo Beach
Wastewater Treatment Facility
San Luis Obispo County

This is a report on problems experienced by the City of Pismo Beach with its current wastewater treatment system during the last seven years. The report also discusses the city's plan to construct an Advanced Oxidation Ditch Secondary Treatment Plant. Lastly, the report cautions the City of Pismo Beach to be cognizant of the limitations of the new plant and proposes that an evaluation of the feasibility of a tertiary water reclamation program be undertaken.

Method

The information for this report was gathered from an interview with the Director of Public Works/City Engineer and a review of the following documentation furnished by the Director:

- Letter from Roger W. Briggs, Executive Officer of the California Regional Water Control Board (Central Coast Region) dated November 5, 2004
- Waste Discharge Requirements Order No. R3-2004-0051 for City of Pismo Beach Wastewater Treatment Facility (San Luis Obispo County) dated "Draft for September 10, 2004"
- Volumes No. 1 and 2, Wastewater Treatment Plant. Collection System Master Plans Final Report, February 2000 by Carollo Engineers and John L. Wallace & Associates
- Master Plan Final Report, February 2004 by Carollo Engineers and John L. Wallace & Associates
- Organization chart of Public Works/Engineering Department revised September 16, 2004

Narrative

Over the past seven years the City of Pismo Beach has experienced a significant number of effluent violations and sewage spills from its collection and treatment system. The following chronology was compiled by the California Regional Water Quality Control Board:

December 8, 1998	Cleanup & Abatement (Order No. 98-83 issued to the City requirements includes development of a Wastewater Master Plan).
March 1, 2000	City completes Wastewater Master Plan (including proposed collection system improvements and treatment facility upgrade.
July 31, 2000	Mandatory Penalty Order No. 00-059 issued for \$12,000 plus Pollution Prevention Plan.
December 7, 2001	Mandatory Penalty Order No. 01-117 issued for \$120,000.
March 1, 2002	EIR certified for wastewater treatment facility upgrade project.
February 2004	City begins construction of \$14 million wastewater treatment facility upgrade.
May 14, 2004	Mandatory Penalty Order No.R3-2004-0008 issued for \$735,000.
September 10, 2004	New National Pollutant Discharge Elimination System permit adopted for the City, which requires comprehensive collection system management plan by September 10, 2005.
October 28, 2004	Notice of Violation regarding sewage spill and status report on collection system upgrades.

During this period of time the City has been operating an “Activated Sludge Secondary Treatment” Plant. Currently under construction is a replacement plant designated as an “Advanced Oxidation Ditch Secondary Treatment” plant. The new plant is projected to meet not only current wastewater treatment demand of Pismo Beach but will also have enough capacity to handle the future needs of the city at Master Plan build-out projected for 2016. The volume of wastewater requiring treatment is projected to be 1.9 million gallons per day (with a peak capacity of 3 million gallons per day for short time periods).

As noted above, the efficiency and effectiveness of the new plant has been tailored to the build-out capacity designated in the July 1999 Draft Master Plan for Pismo Beach. Should, for some as yet unforeseen reason, the City revise its build-out housing capacity upward, it should be cognizant of the fact that little reserve capacity exists in its new Wastewater Treatment System.

Facts

- A. The new Plant has been designed to match the build out capacity of the 1999 Draft Master Plan.
- B. Build out is projected for 2016 or sooner.
- C. There will be little excess capacity at build out.
- D. If the plant would have been built in 1995, when the problem was first defined, it would have had a cost of six to eight million dollars.
- E. The City has been fined \$867,000. The City has paid \$132,000 and is negotiating the rest with the Regional Water Quality Control Board.
- F. There is no water Reclamation Plan therefore, over one million gallons of treated water is discharged into the ocean every day.

Conclusions

On the basis of an interview with, and a review of the pertinent documentation provided by, the Director of Public Works / City Engineer of Pismo Beach, the new “Advanced Oxidation Ditch Secondary Treatment” Plant will meet the city’s wastewater needs until approximately 2016 or until build-out (as specified in the 1999 Draft Master Plan) occurs whichever comes sooner provided that the 1999 Draft Master Plan is strictly adhered to. The City should be cognizant of limited excess sewerage treatment capacity if annexing new land and future developments not contained in the 1999 Draft Master Plan.

The idea of water reclamation was discussed with the Director who acknowledges that the concept has been advanced by other interested parties on numerous occasions. The utility of the concept appears to be severely moderated by the subsequent cost of a tertiary water treatment system. To put the matter to rest once and for all, it might be

advisable to conduct an evaluation of the feasibility of a water reclamation program for the City of Pismo Beach.

Required Response

This is an informational report. A formal response is not required.

City of San Luis Obispo Department of Public Works
Transportation Division
“Traffic Lights – Warranted or Not?”

This report answers the question, “Why doesn’t my neighborhood have a traffic signal?” It reviews the process involved in making new traffic signal installation determinations, the advantages and disadvantages of traffic signals, and some possible alternatives.

Origin

Members of the Grand Jury raised questions regarding the procedures used to determine placement of traffic signal lights within the City of San Luis Obispo.

Method

Members of the Grand Jury interviewed the Deputy Public Works Director of the City of San Luis Obispo and the (City) Traffic Engineer. We reviewed relevant portions of the city’s website, and the state and city code sections in the Manual on Uniform Traffic Control Devices. We also determined if: 1) procedures governing the establishment and installation of new traffic signals are in place, 2) those procedures are followed, and 3) public safety concerns are addressed.

Narrative

The Transportation Division of the City of San Luis Obispo, Public Works Department, is located at 955 Morro Street. It is responsible for the safe and efficient movement of traffic on all city streets. The Division accomplishes this goal, in part, through the installation, proper timing and maintenance of traffic-control devices and signals.

The Public Works Department encourages residents to report traffic concerns and problems on the city streets by completing a service request form. The request form can be obtained at the transportation division on Morro Street in person, calling the department’s traffic hotline at (805) 781-7190 or from their Website (<http://www.slocity.org/publicworks/request.asp>).

Traffic Control Officers and other Public Works employees also report traffic problems they observe. Transportation Division staff enter this information into a database that contains the specifics of all collisions reported to the Police Department. If a specific traffic problem was previously reported, the individual who makes the new report is briefed on the status of the situation. All new traffic issues are investigated, beginning with a site visit to assess the current traffic conditions.

Annual Traffic Safety Report

The material contained in the Transportation Division's database is used to compile the city's Annual Traffic Safety Report. This report presents city-wide collision statistics; identifies locations within the city having the highest vehicle, pedestrian and bicycle collision rates; and identifies locations for mitigation measures. All intersections with three or more reported collisions per year are ranked and included in the report. The report is available from the Public Works Department, and also online at <http://www.ci.san-luis-obispo.ca.us/publicworks/documents/03trafsafety.pdf>.

Are Traffic Signals the Answer to Solving Traffic Problems?

For the public, the most commonly requested mitigation measure is a traffic signal. Each year, the City of San Luis Obispo receives approximately 50 requests for the installation of traffic signals.

Signals offer maximum control at intersections by alternately assigning the right-of-way to various traffic movements. They may interrupt extremely heavy traffic flows to permit other traffic (vehicular, pedestrian, bicycle) to cross an intersection, improve the safety of pedestrian and bicycle traffic, provide for continuous movement of traffic at a given speed, and reduce certain types of accidents – particularly right-angle (broadside) collisions. However, signals can also cause a significant increase in rear-end collisions, excessive delay, diversion of traffic to residential streets, and disobedience (“jumping”) of signals.

Alternative mitigation measures may be as effective as, or more effective than, traffic signals. These may include stop signs, trimming vegetation and restricting parking to improve the sight distance at an intersection, installing flashed or non-flashed pedestrian

crosswalks, installing flashing beacons to supplement STOP sign control, adding one or more lanes, installing roadway lighting, restricting turning movements or installing roundabouts.

Criteria for a New Signal

The decades-long use of traffic signals to control traffic flow provided opportunities to study their positive and negative impacts, to identify when signals should be installed and to determine how they should be operated. This led to the development of national and state standards. The Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Administration, and adopted by the California Department of Transportation, contains standards governing the uniform application of traffic control devices.

In determining whether installation of a traffic control signal is justified at a particular location, the Traffic Engineer conducts a visual inspection of traffic conditions, pedestrian characteristics, and physical characteristics of the location, noting problems and potential hazards. If problems are observed, the Traffic Engineer conducts a traffic study and analyzes the applicable factors contained in traffic signal warrants to determine if action is justified. There are eight warrants that describe threshold conditions to use in evaluating the proposed signal location which are based on average or normal conditions. They are:

- Warrant 1, Eight-Hour Vehicular Volume - an eight-hour study of the number of vehicles that pass through an intersection per hour.
- Warrant 2, Four-Hour Vehicular Volume - the study of high volume intersecting traffic during each of any four hours during an average day.
- Warrant 3, Peak Hour - heavy traffic volume on the major street with significant minor-street delays for the same one-hour period of an average day, typically at an office or industrial complex.
- Warrant 4, Pedestrian Volume - where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing.
- Warrant 5, School Crossing - there may be inadequate gaps in traffic to permit school children to cross at established school crossings.

- Warrant 6, Coordinated Signal System - where signalization may be necessary to maintain proper grouping or “platooning” of vehicles to effectively regulate group movement and speed.
- Warrant 7, Crash Experience – when the number of reported accidents potentially preventable by a signal exceeds a specified value.
- Warrant 8, Roadway Network – where installing a traffic signal at some intersections might encourage concentration and organization of the traffic flow on the roadway.

Warrants are not a substitute for engineering judgment. The fact that one or more warrants for a particular traffic signal are met is not conclusive justification for its installation. The Traffic Engineer from the Public Works Department makes a recommendation based on experience, observation and analysis of the criteria.

Once a determination to recommend a traffic signal is made, the Director of the Public Works Department takes the recommendation to the San Luis Obispo City Council for a decision and funding approval. A new traffic signal may cost \$100,000 to \$150,000 to design and construct, plus \$6,000 annually to maintain. As a result, traffic signal installations must be prioritized to help ensure maximum public safety and best use of resources.

Conclusion

The Public Works Department Transportation Division staff maintain constant awareness of the city’s traffic situation through input from a variety of sources, take action to keep the public informed of that information, and follow mandated guidelines to help ensure that traffic mitigation measures, including the installation of traffic signals, are taken to help safeguard the driving, walking and cycling public. Individuals may request a traffic signal; however, one may not be installed. Installation of a traffic signal is not always the best answer for traffic control. Many other options are explored (stop signs, trimming vegetation, restricting parking or eliminating parking on one side of the street or the other, installing cross walks, adding lanes to roads, restricting turns and installing roundabouts) before a traffic light installation decision is made. Traffic signals are the most expensive of the options and can even cause the opposite of an expected solution. A few examples are:

increase in rear end collisions, delays, and “jumping” signals. So, ask yourself the question: “Is a traffic signal warranted?”

Required Response

This is an informational report. No formal response is required.

Department of Agriculture: Weights and Measures
A Day on the Job – Weighing In On San Luis Obispo County

The Grand Jury accompanied three San Luis Obispo County Department of Agriculture Weights and Measures inspectors on routine, unannounced inspections of a retail supermarket, petroleum products (bulk) distributor and a retail gasoline service station. The gasoline service station also had a “convenience store” which was included in the inspection.

The Department of Agriculture’s Weights and Measures Division is responsible for determining the accuracy of weighing and measuring devices within the County. This means they conduct annual routine inspections of 2418 gasoline dispensers at 114 retail service stations and approximately 2200 weighing and measuring devices at 821 locations throughout the county. Additional information on the number locations, measuring devices and other activities performed by the Weights and Measures Division is included in the appendix to this report. The department is also accountable for responding to citizen complaints regarding weights and measures issues.

Inaccurate weights, measures, meter readings, deliveries and/or charges are subject to a Notice of Violation (NOV). These violations may have administrative fines and penalties. NOVs are maintained as public records and the public can review them during the regular business hours of the Office of Measurement Standards. According to the Chief Deputy Sealer, (who oversees the Office of Measurement Standards) the department does refer violations to the District Attorney’s Office to facilitate bringing civil or criminal charges against violators, whenever necessary.

The establishment of the methods, equipment, procedures and frequency of certifications are prescribed by the State of California. These procedures assure that the same requirements are applied uniformly throughout the State to meet the California Business and Professions Code. There are several detailed program manuals that provide inspectors and technicians the information they need to perform their duties. Additional information

on the program manuals can be found on the California Department of Food and Agriculture website at:

<http://www.cdfa.ca.gov/dms/Forms.htm>.

Origin

The Grand Jury selected the Department of Agriculture (D of A) for inquiry from among those agencies within San Luis Obispo County that have not been investigated within the past five years by the Grand Jury. In addition to its agricultural related activities, the D of A is responsible for weights and measures within the County. Because the accuracy of weighing and measuring devices, especially at the retail level, has a direct impact on the residents of the County, the Grand Jury decided to focus its inquiry on the weights and measures function of the D of A.

Method of the Grand Jury Inquiry

Members of the Grand Jury visited the San Luis Obispo County Department of Agriculture Weights and Measures office and calibration facility. We interviewed the technician who performs various certification tests and witnessed the testing of gas meters from mobile home parks. In addition, we noted training certificates and certificates of attendance at seminars that were displayed on the office walls. We visited the maintenance yard to see the equipment used to certify large scales that are used for weighing trucks. We also accompanied three San Luis Obispo County Department of Agriculture Weights and Measures inspectors on routine, unannounced inspections of a retail supermarket, a petroleum products (bulk) distributor, and a retail gasoline service station. The gasoline service station also had a “convenience store” which was included in the inspection. We reviewed documents and certificates of compliance with the procedures outlined in the manuals. This report will outline the three specific areas we observed and the method(s) used by the inspectors in carrying out their duties. The areas are:

- a retail supermarket,
- a petroleum products (bulk) distributor, and
- a retail gasoline service station with a convenience store.

Retail Supermarket

Members of the Grand Jury accompanied an inspector on an unannounced visit to a large retail supermarket. The weights and measures inspection had three stages:

- Scanning of products to determine that the checkout price matches the marked or posted price.
- Calibration of scales to verify that the scale is at zero when there is nothing on the weigh pan and that when a calibrated weight is on the scale that it indicates the correct weight.
- Checking that the net weight on packaged goods count of the contents matches the weight or count displayed on the label.

Method Used by the Inspector

- The inspector scanned 40 products, selected at random, using a hand-operated bar-code scanner to see if the shelf prices match the cash register prices. He also checked to see if the product displays and pricing were descriptive and not deceptive.
- Packaged items were checked to ascertain that the weight of the packaging (tare weight) is subtracted from the weight of the product.

Grand Jury Notes:

- The central offices of the supermarket chains send the new prices to the computers in the cash registers daily via phone line, cable or microwave transmission.
- Most large stores maintain full-time employees who check the accuracy of the shelf prices.
- San Luis Obispo County has developed a computer program that takes into account all of the variables involved in package weight verification. The computer program facilitates effective use of time by the inspector. The program has been adopted by nine other counties.
- The scales are checked and certified on a yearly basis by the D of A.

Petroleum Products (bulk) Distributor

Members of the Grand Jury accompanied an inspector on an unannounced inspection of a petroleum products (bulk) distributor. A *bulk distributor* purchases petroleum products such as motor fuel (gasoline), fuel oil, liquefied petroleum gas, and aviation fuel at wholesale price from the manufacturers. These products are then sold in bulk to retail establishments such as gasoline service stations, farms, construction companies and other high volume purchasers.

Method Used by the Inspector

The inspector checked the distributor's meters for accuracy. In addition to validating meters, the inspector took a sample of the gasoline to determine the purity and to ascertain that the octane number was correct.

Retail Gasoline Service Station with a Convenience Store

Members of the Grand Jury accompanied an inspector on a routine, unannounced inspection of a retail gasoline service station. The service station also had a "convenience store" which was included in the inspection. The inspection was carried out in four phases:

- Visual inspection of exterior petroleum price signage.
- Visual and physical inspection of a gasoline dispenser (pump).
- Volumetric, octane number and water content tests of the gasoline product.
- A check of item pricing and bar code scanner in the convenience store.

Method used by the Inspector

As part of the visual inspection of exterior signage, the inspector checked the following:

- The gasoline pricing signs which are required to be visible at or near each driveway entrance. This check is to determine that there are no missing numbers or gasoline grade designations.
- The tag that indicates the gasoline grade at the fill pipe for the underground storage tank.
- The required sign notifying customers that compressed air (including a pressure gauge) and water are available free of charge to those who purchase gasoline. Others can obtain the items for a fee.

The visual inspection of a gasoline dispenser included:

- The dispenser price matched the price on the exterior signs.
- The dispenser correctly identified the brand, grade and octane number of the gasoline.

The physical inspection of the gasoline dispenser included:

- A check of the security (anti-tampering) seals on the meter mechanisms.
- A check of the physical and mechanical condition of the dispenser hoses and nozzle including the vapor recovery system.
- Pumping two five-gallon samples of gasoline into calibrated measuring containers. One sample was drawn at the maximum pump rate and another at a slower rate. While the samples were being drawn, the inspector observed the digital total-cost and volume indicators to determine that the two measurements were “in sync” with each other.
- Determining the octane number of a small sample of gasoline using a portable spectrophotometric octane number analyzer. In addition, a one-gallon gasoline sample was taken for further octane number analyses in a laboratory. (This additional sample and analysis is not normally performed unless there is a reason to question the octane number of the sample.)
- Determining the water content of the gasoline. The ethyl alcohol (ethanol), that is blended with the gasoline, as an oxygenate source, has a chemical affinity for water. This test is to determine that there is no water in the gasoline.

The gasoline sample that is drawn for the volumetric tests is returned to the underground storage tank. During a routine inspection, the dispenser and volumetric checks are conducted for each grade of gasoline at every dispenser.

Inside the convenience store, the inspector checked 15 items, selected at random. The inspector then checked the shelf tag and/or marked price against the price that the scanner at the cash register indicated. One discrepancy was found. The shelf tag on an item was 10 cents lower than the price indicated by the scanner at the cash register. As proof of the

discrepancy, the inspector retained the cash register receipt and took a photograph of the shelf display involved.

As a result of the discrepancy, the inspector issued a Notice of Violation (NOV) to the store. In response to the NOV, the store personnel had three options for correcting the discrepancy before the inspector left the store. They were: 1) remove the item from sale, 2) update the scanner computer database or, 3) correct the price tag on the shelf. The store personnel chose to correct the price tag on the shelf.

The D of A does not issue penalties or fines for minor NOV's such as the one stated above. They do, however, track violations to determine if there are any discernable patterns. If repeated violations occur, the D of A has a series of progressively severe sanctions at its disposal including administrative fines and legal action.

Conclusion

The Grand Jury found that the inspectors carried out their work in a thorough, efficient, and professional manner. They were found to be dedicated and knowledgeable. In addition, it was clear that the inspectors who are assigned to the Weights and Measures Department perform a valuable function for both buyers and sellers, insuring that both parties to a transaction are served fairly.

The Weights and Measures Division serves the needs of San Luis Obispo County's with three outside inspectors and one "in-office" inspector, even though the significant increase in wineries, especially in the north county, has increased the workload of the inspectors.

Required Response

This is an informational report. No formal response to this report is required.

Appendix

The following data, supplied by the Weights and Measures Division, are summaries of the number of annual inspections, locations inspected and devices checked (by type of device), and other activities performed by the Division.

Summary of Annual Inspections Conducted by the Weights and Measures Division			
	Total	Service Stations	Weighing and Measuring Other Than Service Stations
Locations	935	114	821
Devices (annual)	4620	2418	2202

Summary of the Number of Locations Using Weighing Devices and the Number of Weighing Devices		
Device Type and Type of Location	Number of Locations	Number of Devices
Computing and Counter Scales Grocery stores, delicatessens, produce stands, pet supply, coffee and other specialty stores	293	708
Retail Hanging (spring) Scales Produce stands, fishermen, hardware stores	47	63
Platform Scales Shipping stores, recyclers, wineries, landscape suppliers, industrial	122	193
Livestock Scales Cattle ranches, feed lots	68	72
Vehicle Scales Agricultural processors, wineries, rock and sand, recyclers, and landfills	50	55
Totals	580	1,091

Summary of the number of locations using other types of measuring devices (volumetric, length and electric power) and the number of devices.		
Device Type and Type of Location	Number of Locations	Number of Devices
Retail Motor Fuel Service stations, equipment rental yards, marinas	114	2418
Retail Water Water vending machines	88	126
Retail LPG (propane) Service stations, RV suppliers, campgrounds	47	67
Vehicle Meters Truck-mounted meters for delivery of propane, gasoline, diesel, oil, aviation fuel	11	45
Wire and Rope Meters Hardware stores, electrical suppliers	31	51
Taxi Meters Taxicab meters	3	12
Mobile Home Parks Electric and gas submeters subject to 10-year inspection cycle	61	8100
Totals	355	10,819

Summary of Other Weights and Measures Division Activities	
Activity	Summary
Petroleum Advertising and Labeling	<ul style="list-style-type: none"> Performed during every service station, bulk petroleum and LPG inspection
Price Verification	<ul style="list-style-type: none"> Approximately 170 establishments currently inspected for scanner accuracy on a biannual basis FY 03/04: 6400 individual items tested, 139 rejected for overcharging
Package Inspection	<ul style="list-style-type: none"> Verification of net quantity statements on packaged commodities FY 03/04: 1400 lots inspected, 1600 packages sampled, 17 lots rejected, 434 packages removed from sale
Weighmaster	<ul style="list-style-type: none"> Audits of licensed weighmaster records Approximately 20% of weighmasters are inspected annually on a five year cycle, 18 locations visited in FY 03/04